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White Democracy, Racism, and Black Disfranchisement: North Carolina in the 1830's

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WHITE DEMOCRACY, RACISM, AND BLACK DISFRANCHISEMENT:
NORTH CAROLINA IN THE 1830s

A Thesis

Presented to

The Faculty of the Department of History
The College of William and Mary in Virginia

In Partial Fulfillment of
The Requirements for the Degree of
Master of Arts

by


Elizabeth H. McGehee

1989

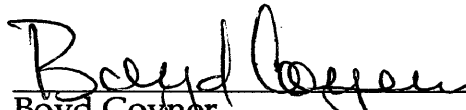
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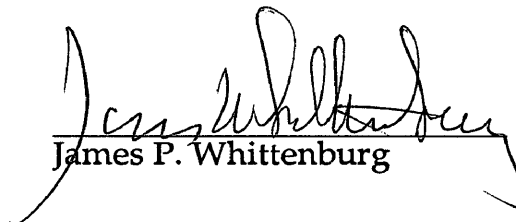
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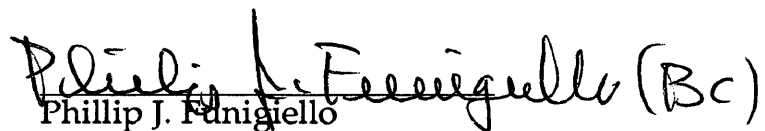

Phillip J. Funigiello

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ABSTRACT

North Carolina's 1835 constitutional convention is part of a larger thrust toward democracy made in the 1820s and 1830s on both sides of the Mason-Dixon line. The convention had been particularly long in coming. Periodic efforts for reform began almost immediately after ratification of the state's 1776 constitution.

The convention delegates liberalized divorce laws and religious requirements for officeholding, made gubernatorial elections subject to the popular vote, and expanded white suffrage. One group of North Carolinians paid a high price in the series of intricate compromises that fostered the call to convention and its subsequent reforms.

This thesis uses secondary research, census records, primary biographical sources about the delegates, and analyses of their votes on three related issues at the convention to discover whether the expansion of white suffrage came at the expense of free black North Carolinians' right to vote.

It concludes that traditional sectional loyalties swayed the delegates more than political party intrigues. The delegates' actions take on a symbolism now that was not readily apparent in 1835. Their actions occurred in the Jacksonian era but were not of the Jacksonian persuasion.

In general, delegates from small, eastern counties, especially those nearest the Virginia border (that is, those in which reaction to the 1831 Nat Turner Rebellion had been most violent) were more likely to vote for disenfranchisement. A majority of the delegates on both sides of the disenfranchisement issues held slaves, but those voting for disenfranchisement tended to hold more bondsmen.

WHITE DEMOCRACY, RACISM, AND BLACK DISFRANCHISEMENT:
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INTRODUCTION

The library shelves housing studies of North Carolina's 1835 constitutional convention, of its free black population, and of the growth of a two-party political system in the state during the Jacksonian era are long. Perusing those shelves, one notices that the pages of some histories are more worn and tattered from use than are others. John Spencer Bassett's turn-of-the-century monographs on slavery in North Carolina, Guion Griffis Johnson's impressive 1929 social history of antebellum North Carolina, and John Hope Franklin's thorough 1941 documentation of free black North Carolinians' lives continue to inform Tarheel State scholars. Within the last twenty-five years, histories of Jacksonian North Carolina have filled numerous volumes of the *North Carolina Historical Review*. Harold J. Counihan's 1969 analysis of the state's 1835 convention and Harry L. Watson's 1981 account of community conflicts within antebellum Cumberland County reflect the renewed interest in antebellum North Carolina as well as the recent popularity of quantitative and local histories. Marc W. Kruman's 1983 description of state political party development between 1836 and 1865 marks the return of the narrative text historians traditionally have favored.¹

These scholars typically view North Carolina's 1835 constitutional convention as part of the larger thrust toward democracy made in the 1820s and 1830s on both sides of the Mason-Dixon line. Virginia led the South in charting more egalitarian legislative apportionment and a broader suffrage for white males in 1830. Conventions in Delaware (1831), Mississippi (1832),

Georgia (1833), and Tennessee (1834) followed the Cavalier State's.² North Carolina's convention had been particularly long in coming. Periodic efforts for reform began almost immediately after the ratification of the state's first constitution in 1776 but bore negligible results.³ During the Jacksonian era, several forces joined to impel the state to hurdle long-standing political, geographic, and economic barriers; those drives culminated in the call for the 1835 convention. The convention's many democratic accomplishments included the liberalization of divorce laws and religious requirements for officeholding, the extension of gubernatorial terms to two years, reapportionment of the General Assembly along lines more equitable to growing Piedmont and western populations (those in counties west of Orange County in which Raleigh, the state capital, was located) and a switch to popular gubernatorial elections. One group of North Carolinians, however, paid a heavy price in the series of delicate compromises the delegates used to shape the new constitution — free blacks lost their right to vote.

This thesis will suggest that defining free black political rights was, indirectly, part of a three-step process of creating, delineating, and organizing a government operated under a viable two-party political system in the Tarheel State.⁴ Indeed, less than a decade after the convention, the North Carolina Supreme Court settled the issue when it declared in 1844 that free blacks were "not to be considered as citizens in the largest sense of the term."⁵ The delegates based their decisions on practical considerations, sectional and racial biases which now take on a symbolic importance not readily apparent in 1835. As J.G. de Roulhac Hamilton suggested, the movement that led to the convention and shaped its agenda, "while local in its inception may properly be regarded as a part of the rise of that new and militant democracy which we best know by the name Jacksonian. But because the animus and impetus were largely local the movement lagged

behind that which appeared in many other States, nor did it go so far. Neither, be it said, did it affiliate with Jacksonian Democracy politically."⁶

While this paper supports the conclusions other historians have drawn about the disfranchisement votes, it differs in at least two respects from previous studies. First, it focuses specifically on the disfranchisement vote rather than on the whole convention. Numerous historians give short shrift to this issue, too readily assuming that the disfranchisement of free blacks was a prerequisite to expanding white suffrage. They follow W.J. Cash's reasoning in *The Mind of the South*. In their loyalty to slavery, Cash wrote, common whites participated "as fully as any other Southerner." If a poor white had no immediate interest in slavery, "if his real interest ran the other way about, he did nevertheless have that, to him, dear treasure of his superiority as a white man, which had been conferred on him by slavery; and so was as determined to keep the black man in chains...as the angriest planter."⁷ Second, the following study devotes much attention to reviewing background information on free black, slave, economic, and political life within the state to place the disfranchisement vote within its proper context. It reveals a diversity of motives — many of them relating to black suffrage only indirectly — for eliminating free blacks' right to vote. In this respect, my thesis resembles Harold Counihan's doctoral dissertation on the convention most closely.

The paper is divided into three chapters. The first and second chapters provide a synthesis of the rich secondary material on antebellum North Carolina. Chapter one describes the many roles slaves and free blacks played in the state, efforts by whites to improve blacks' condition, and the evolution of slave and free black codes. Such codes were sufficiently strict and manumission efforts so fragmented by 1835 that the inclusion of the free black disfranchisement question on the convention agenda seems almost an

afterthought. Although slavery cast a long shadow, racial attitudes were not dichotomous. In tracing North Carolinians' reactions to the Nat Turner revolt of 1831, the first chapter suggests that northeastern counties near the Virginia border panicked, but Piedmont and western counties remained calm. As the second chapter details, intrastate economic and political divisions were as varied as racial thought. Slavery's contribution to the growth of a two-party political system in North Carolina was significant; it was inseparable from state economic frays. Legislative debates regarding the reapportionment of the General Assembly were complicated by cries for internal improvements from western farmers and eastern merchants. Sectional divisions clearly influenced how the delegates voted on the disfranchisement of free blacks. The final chapter uses primary sources such as the delegates' convention speeches, biographical information found in their personal papers, and census records to analyze their votes on the apportionment and disfranchisement questions. To some, but certainly not all, delegates, the questions were linked. The primary research confirms that delegates from small counties feared losing power in the General Assembly to growing western counties. Representing the counties that had expressed the most concern about the 1831 Turner revolt and counties generally opposed to internal improvements schemes, these delegates were more likely to favor the disfranchisement of free blacks.⁸

Notes for Introduction

¹John Spencer Bassett, "Slavery in the State of North Carolina," *Johns Hopkins University Studies in Historical and Political Science*, 17th Ser., VII-VIII (1899) [Hereafter cited as *JHUS*]; Harold J. Counihan, "The North Carolina Constitutional Convention of 1835: A Study in Jacksonian Democracy," *North Carolina Historical Review* , XLVI (1969) [Hereafter cited as *NCHR*]; John Hope Franklin, *The Free Negro in North Carolina, 1790-1860* (New York, 1971); Guion Griffis Johnson, "Social Characteristics of Antebellum North Carolina," *North Carolina Historical Review* , XV (1929); Marc W. Kruman, *Parties and Politics in North Carolina, 1836-1865* (Baton Rouge, 1983); Harry L. Watson, *Jacksonian Politics and Community Conflict: The Emergence of the Second American Party System in Cumberland County North Carolina* (Baton Rouge, 1981); Harold Counihan, "North Carolina 1815-1836: State and Local Perspectives on the Age of Jackson," (Ph.D. diss., Univ. of North Carolina, Chapel Hill, 1971).

²Counihan, "Convention of 1835," 335.

³Hugh T. Lefler, *History of North Carolina* (New York, 1973), 338.

⁴Watson, *Jacksonian Politics* , 14.

⁵Bassett, "Slavery," 37.

⁶J.G. de Roulhac Hamilton, "Party Politics in North Carolina, 1835-1860," *James Sprunt Historical Monographs* , XV (1916), 13. Hereafter cited as *Sprunt* .

⁷W.J. Cash, *The Mind of the South* (New York, 1956), 78.

⁸Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York, 1974), 8-9; Counihan, "Local Perspectives," 145.

CHAPTER I

"EVERY MAN...HIS MASTER": NORTH CAROLINA'S FREE BLACKS

The North Carolina of the early national and antebellum periods followed sectional lines and lacked a sense of state identity. "The most striking feature of the isolation of North Carolina was the fact that various sections of the state were frequently more separated from one another than from portions of neighboring states," wrote historian Guion Griffis Johnson.¹ Its congressmen followed the lead of Virginia's statesmen.² Referred to as the "Rip Van Winkle" State, North Carolina lagged behind its neighbors in numerous respects ranging from internal improvements to the creation and enforcement of codes regulating bondsmen and free blacks. However, the mild reaction Nat Turner's rebellion caused in 1831 indicates that most residents thought the codes sufficiently strong to prevent similar incidents from happening in North Carolina.³ Scattered manumission and colonization efforts by the Quakers posed little threat to slavery, an institution vital to the success of northeastern tobacco, southern cotton, and coastal rice farmers. Why, then, did delegates to the 1835 state constitutional convention place on their agenda a motion favoring the removal of free black suffrage? An examination of the lives of North Carolina's "free people of color" shows that the disfranchisement issue surfaced most likely as an afterthought.

Written in 1887, white folklorist Joel Chandler Harris's chronicle of "Free Joe," a Georgia free black, captured the dilemma all free blacks had faced in antebellum America.

Free Joe represented not only a problem of large concern, but, in the watchful eyes of Hillsborough [Georgia], he was the embodiment of that vague and mysterious danger that seemed to be forever lurking on the outskirts of slavery, ready to sound a shrill and ghostly signal in the impenetrable swamps, and steal forth under the midnight stars to murder, rapine and pillage — a danger always threatening, and yet never assuming shape; intangible, and yet real; impossible, and yet not improbable.⁴

Bondsmen saw in him at once a symbol of hope, that freedom for blacks was attainable, and the realities of prejudice, that freedom for blacks entailed an existence as the lowest of castes.

He realized the fact that though he was free he was more helpless than any slave. Having no owner, every man was his master. He knew that he was the object of suspicion, and therefore all his slender resources (ah! how pitifully slender they were!) were devoted to winning, not kindness and appreciation, but toleration; all his efforts were in the direction of mitigating circumstances that tended to make his condition so much worse than that of the negroes around him — negroes who had friends because they had masters.

So far as his own race was concerned, Free Joe was an exile. If the slaves secretly envied him his freedom (which is to be doubted, considering his miserable condition), they openly despised him....⁵

The texture of free blacks' lives varied from state to state. To a French observer, the differences between their condition in the North and South was a simple matter of *de facto* versus *de jure* discrimination. "Race prejudice

seems stronger in those states that have abolished slavery than in those where it still exists, and nowhere is it more intolerant than in those states where slavery was never known," Alexis de Tocqueville wrote in his masterful travel account, *Democracy in America*. Northern blacks had the right to vote but did not dare to because they feared reprisal from whites. Blacks living north of slavery settled grievances in court but faced unsympathetic white juries. Their children learned to read and write but not with whites.⁶

Southern legislation as to black rights was more prohibitive, Tocqueville continued, yet "customs are more tolerant and gentle." A master had "no fear of lifting the slave up to his level, for he knows that when he wants to he can always throw him down into the dust." Since legal distinctions between the two races in the North were less clear, whites there kept blacks "at a distance...lest one day they be confounded together." Free blacks ranked below Indians on America's social ladder. "In some respects, they are more unfortunate than the Indians," Tocqueville observed, "having memories of slavery against them and not having a single spot of land to call their own; many die in misery; the rest crowd into towns, where they perform the roughest work, leading a precarious and wretched existence."⁷

The situation would grow worse before it was resolved, Tocqueville predicted. White northerners shunned blacks more after legislation had abolished "any legal distinction between them; why should it not be the same in the South? In the North the white man afraid of mingling with the black is frightened by an imaginary danger. In the South, where the danger would be real, I do not think the fear would be less." The denial of free black rights could not continue. "Slavery is understood, but how can one allow

several million citizens to live under a burden of eternal infamy and hereditary wretchedness? The free Negro population of the North feels these ills and resents these injustices, but it is weak and in decline; in the South it would be numerous and strong." Blacks, he concluded, would seize their freedom instead. "To give a man liberty but to leave him in ignominious misery, what was that but to prepare a leader for some future slave rebellion? Moreover, it had long been noticed that the presence of a free Negro vaguely disturbs the minds of those not free, infecting them with some glimmering notion of their rights. In most cases the Americans of the South have deprived the masters of the right to emancipate."⁸

Free black life differed between the Upper South and Lower South.⁹ Before the Revolution many blacks in the Upper South earned freedom for meritorious service to their masters; slave mistresses and their mulatto children comprised another group frequently liberated. The pre-Revolutionary free black community had lighter skin and included more women and more skilled children than did slave families, John Boles asserts. Light skin sometimes did not beget equal rights. In the Lower South, Louisiana's dark-complexioned free blacks enjoyed quite a bit of autonomy; the French and Spanish who occupied Louisiana before the 1803 purchase courted free blacks to meet labor shortages and to side with whites against the territory's growing slave populations. The wave of manumissions after the Revolution changed the character of free blacks of the Upper South; fewer lived in the anonymity of cities, sex ratios equalized, and more free blacks had dark skin. No such manumission effort took place in the Lower South. Following the 1791 Haitian revolt, which brought thousands of light-skinned mulatto workers to Charleston, Mobile, and New Orleans, the

characteristics distinguishing the free black populations of the two regions reversed themselves.¹⁰

The ground between slavery and freedom was especially slippery in urban areas. In almost every southern city there lived "'virtually free negroes"' who ran businesses and owned property without their masters' supervision. Some were semi-free blacks bought by patrons like the Quakers or family members. For example, a wealthy free black from New Bern, North Carolina, bought and freed his wife and children in 1805. Two years later he liberated his brother-in-law; during the next eleven years he freed eighteen more slaves.¹¹ The cities acted as escape valves for plantation slaves. In cities with populations of at least ten thousand, free blacks formed communities distinct from the worlds the slaves made. Employing slaves or hiring workers for their businesses, free blacks ran hotels, restaurants, barber shops, and cabinet-making shops. Skilled free blacks depended on white patronage; less adept free blacks, such as grog house keepers, catered to slave clients. Urban slaves and free blacks established important institutions that served blacks long after the Civil War and Jim Crow eras. They led churches, built fraternal organizations and grammar schools, and provided burial services for their communities. Refusing to endanger their privileges, they were more inclined, John Boles writes, to report slave rebellions than lead them. While urban life offered several amenities, the threats of separation from families or of being resold into slavery haunted free and semi-free blacks. Further, the material well-being and health care of slaves may have surpassed that of lower class whites and of free blacks.¹²

A portion of southern free blacks lived in cities, but more resided in

rural areas. By 1860 less than one-third of the free blacks in the Upper South inhabited urban settings, while about half of those in the Lower South did. Those rural southern free blacks subsisted on farming. Laboring side-by-side with slaves on some jobs, they had fewer opportunities or needs to develop a separate cultural identity. In some areas free blacks did form crossroads communities. Whites, too, perceived of free blacks and slaves as almost inseparable. Their distinctions between the two steadily narrowed before the Civil War.¹³ Such attitudes, historian Luther Porter Jackson explains, are "understandable inasmuch as the two classes of blacks shared the same blood and the same standards of living. Their social identity was fostered through frequent intermarriage, and the economic position of rural free Negroes, who worked under agreements for small wages, was quite like that of slaves. Many contemporary references to slave labor and Negro labor embrace the free Negro as well as the slave proper." Free tenant farmers and domestic servants commonly lived and worked with slaves in the homes of the white families whose farms they tended. Apprentices joined slave laborers on some tasks.¹⁴

Nevertheless, free blacks in some states managed to carve economic niches in a variety of rural occupations. Those ranged in Virginia, for example, from butchers, bakers, barbers, and blacksmiths, farmers and tenant farmers, teamsters, factory hands, shoe repairmen, and fish mongers to seamstresses, nurses, shopkeepers, restaurant proprietors, painters, masons, and millers. Free black Virginians found a place in the labor market for several reasons including race, a dearth of slave labor, high slave labor costs, white laborers' prejudice against doing certain jobs and a business boom in the 1850s. Free blacks' race, Jackson says, counted in their favor.

Prices for healthy male slaves in the Petersburg market rose from \$60 in 1834 to \$220 in 1858, making slave labor expensive. Low-skilled free blacks and whites reaped the biggest benefits when, subsequently, tobacco factory jobs opened. "In free Negroes such employers found a person who frequently was willing to work for almost anything he could get," adds Jackson. Masters thought menial jobs such as ditch-digging too hazardous for slave labor, and no whites wanted to do these tasks. Free blacks' standard of living enabled them "to accept lower wages than the whites could accept, and, being naturally obedient, tractable, and respectful of personal authority," they were considered better servants. "In a choice between a white man of low station and a free Negro, the latter usually won," Jackson says. "Free Negroes sometimes made even better 'slaves' than the real slaves since they could be discharged for incompetence whereas the latter were with the owner always."¹⁵

The status of free blacks in eighteenth- and early nineteenth-century North Carolina was equally muddled. North Carolina's black population, like that of other Upper South states, was predominantly rural. The Old North State contained no urban centers comparable to Petersburg, Richmond, Charleston, or Mobile. Free blacks inhabited North Carolina as early as 1701. The free black population increased dramatically from 4,975 in 1790 to 19,543 in 1830 and then to 30,463 in 1860.¹⁶ (Free blacks included everyone with at least four generations of black blood, as of 1826.)¹⁷ No state south of North Carolina had half as many free blacks as did the Tarheel State.¹⁸ The introduction of cotton into the state led to the building of large plantations and the flowering of slavery outside the rice growing regions of the east. As the slave population increased during that period, so did the free

black population.¹⁹ Free blacks lived in the eastern portion of the state as well as the cotton and tobacco counties near the borders of South Carolina and Virginia.²⁰

It was within those same counties, areas producing valuable staple crops, that slaveholding flourished.²¹ (See Map 4, 117) Slavery was less entrenched in western North Carolina but was not negligible. The 1790 Census listed 30,068 slaves in the west and 70,504 in the east; seventy years later, bondsmen numbered 146,463 and 184, 596 in each respective section. (See Map 1, 114) As cotton farming spread, antislavery thought in the west weakened. In western counties, said Bassett,

which by 1800 were past the pioneer stage, there grew up continually numerous wealthy families. They owned slaves. The slaves competed with the small white farmers. Thus there began slowly that process by which slavery always eats out the life of the free yeomanry. The small farmers sold their farms and moved to the Northwest, the slaveholders bought the farms and consolidated landholding. Had slavery continued till the present time some...changes would have taken place in this part of the State. There is every reason to believe that besides the tobacco industry, which might profitably have been conducted here, this would have become, along with parts of Virginia, a notable breeding ground for slaves to be sent southward.²²

Economic divisions enabled many free and semi-free black North Carolinians to enjoy diverse, autonomous lives. Less than 4 percent of the free blacks in antebellum North Carolina owned the land they tilled. Some black tenants hired themselves out to white farmers and planters. Others owned slaves, usually kin.²³ The average slave population in the fifteen western counties hovered around 10 percent in antebellum North Carolina.

Less dependent on agriculture for survival, western masters often raised the capital to buy and support slaves from hiring the bondsmen to family members or to merchants and businessmen during off-seasons on the farm. Of the largest slaveholders in a survey of five western counties, roughly two-thirds pursued mercantile or commercial interests, one-third enjoyed professional careers, about a quarter invested in mining ventures, and a little more than one-tenth delved into resort and hotel trade or real estate. Some westerners, such as James Robert Love, owned as many as eighty-five slaves.²⁴

These western slaves produced crops and worked on farms as blacksmiths, cooks, cleaners, field hands, and livestock tenders. Herdsmen spent much time away from home tracking grazing cattle through mountains or around far-off pastures during the warm months. Black domestic servants worked as waiters, maids, and stable hands in towns for hotel owners.²⁵ A gold rush in North Carolina, Georgia, and Virginia in the 1830s sent Tarheel blacks into the mines fairly regularly.²⁶ As a consequence of the wide selection of occupations these western blacks held, fewer mountain slaves left the state than did eastern slaves in this era.²⁷

Slave populations in the eastern counties removed from the Atlantic coast as well as the South Carolina and Virginia state lines constituted a greater percentage of inhabitants than in western counties. Bondsmen made up between 32 and 50 percent of the inhabitants of at least ten of those counties. The most wealthy and developed area, it relied heavily on plantation agriculture. Planters marketed crops on nearby rivers.²⁸ Within the region itself, crop specialization varied tremendously. Some free blacks there worked with slaves and unskilled white laborers in the turpentine and

lumber industries which, in 1850, supplied 88 percent of the nation's naval stores. Blacks collected resin, ran distilleries, built shipping barrels, and spent weeks isolated in the woods cutting cypress and oak logs.²⁹ Roanoke Valley residents concentrated on tobacco; the Cape Fear staple was rice. The Albemarle-Pamlico-Sound region focused on corn, beans, peas, hogs, and lumber and shipped its goods to eastern towns or out of state through the Ocracoke Inlet. Yeoman farmers from the mountain and Piedmont areas close to the borders of either Virginia or South Carolina supplemented their traditionally subsistence-level existence by using slaves to grow cotton and tobacco as cash crops.³⁰

The origins of free black North Carolinians can be traced to at least five sources: miscegenation outside of marriage, interracial marriage, manumission for meritorious service, manumission as a result of military service in the Revolutionary War, and the immigration of free blacks into North Carolina from other states.³¹ The last provided a sizable portion of the state's free black population because of lax enforcement of laws preventing their immigration and early emancipation efforts by groups such as the Quakers.

North Carolina had written an exhaustive free black code by the second quarter of the nineteenth century. Its neighbors, however, had placed more severe legislation on their law books before then. Only periodically between 1830 and 1860 did the General Assembly expand the black codes. As a result, numerous blacks from Virginia and South Carolina crossed into counties bordering those states.³² In the first month of 1859, two thousand free blacks passed from Virginia through Weldon, North Carolina.³³ Although several laws enacted in the 1820s hindered black migration —

slave and free — to the state, "their arrival was tolerated both because the law was recognized as severe and because their services were wanted in the community."³⁴

The presence of free blacks in North Carolina had concerned the state government since at least 1715. Laws the General Assembly passed between then and 1763 attempted to narrow the scope of blacks' rights. In 1715 free blacks lost the rights to vote and to marry whites. At least three laws regulating manumission were written in the eighteenth century.³⁵

Additional laws passed in 1723 required free blacks to leave the state within six months of their emancipation; those who returned to North Carolina were sold into slavery for seven years. However, Ira Berlin says, "legal restrictions failed to slow the tempo of manumission."³⁶

The Revolutionary era saw efforts to liberalize conditions for blacks. In 1774 the Yearly Meeting of the Society of Friends created a committee to guide the emancipation of Friends' slaves. Of more importance, North Carolina formulated a new constitution in 1776. According to the 1776 constitution, "freemen" who were twenty-one years old, who had been North Carolina residents for at least one year, and who had a freehold of fifty acres or more for six months could vote for House of Commons members. There were no racial restrictions on the term "freeman" or "freeholder" in the 1776 document. Most free blacks did not take advantage of the opportunity to vote. Nevertheless, a number of property-holders among them were enfranchised.³⁷

Numerous masters following the Revolution's lessons ignored prohibitions against manumission. The General Assembly reaffirmed a 1741 law restricting emancipation in 1777, 1788, and 1796. It approved the sale

of illegally liberated slaves in 1779. Free blacks were excluded in 1782 from appearing as witnesses in court cases which did not involve other blacks. North Carolina required free blacks who migrated there in the 1790s to give £200 bond as a security for good behavior. After 1801 the state asked masters to enter a bond of £100 for each slave they freed. The next year, free blacks were prohibited from trading with slaves; the penalty for such an infraction was £10 or three months in prison.³⁸ Influenced by the slave revolt in Haiti, the legislature in 1795 empowered juries across the state to hold possibly radical blacks in custody until a jury could examine the accusations.³⁹

North Carolina's sloth in drafting free black codes is best seen when Tarheel codes are compared to those of other states. Virginia denied free blacks the rights to vote or appear as witnesses in court as early as 1723. Nor did the Old Dominion eliminate those restrictions on black suffrage when framing its first constitution.⁴⁰ Georgia removed free black suffrage in 1789; Kentucky followed a decade later and Maryland a decade after that. Between 1809 and 1834, Florida, Alabama, Mississippi, and Tennessee disfranchised blacks. Connecticut, New Jersey, and Pennsylvania eliminated free black suffrage in 1818, 1820, and 1830, respectively.⁴¹ Virginia gradually forbade free blacks from moving from one county or town to another between 1782 and 1806; these laws toughened registration and migration of free blacks to the commonwealth. While North Carolina gave free blacks a six-month grace period to leave the state after their emancipation, Virginia, in an 1806 statute, banished slaves set free after its enactment with no such transitional phase.⁴² The commonwealth forbade free blacks from entering its borders in 1793; North Carolina did not restrict immigration until 1827.⁴³

The emancipation movement battling the black codes lacked unity in purpose and identity. Three strands of thought formed the core of the antislavery movement. The first, and smallest, included immediate emancipationists who saw slavery as a moral wrong. A second, consisting of gradual emancipationists, incorporationists, and colonizationists, held mixed attitudes. Some were paternalistic, believing that blacks, like children, could enter society only when they were prepared fully for the duties of citizenship. Others wanted through colonization to give blacks a chance to start their lives over. More were negrophobic and did not trust blacks. The movement was strongest in areas with many Quakers and in the west, which had fewer slaves than the east.⁴⁴ The Quaker membership and emancipation drives peaked just before the birth of the Jacksonian era. The third group, deportationists, feared for several reasons North Carolina's burgeoning slave and free black populations.

Geographically, the antislavery movement was based in areas settled primarily by non-agricultural workers, areas where blacks comprised at least 40 percent of the population, and where whites worried about slavery's effects on their race.⁴⁵ That included areas with sizable Quaker settlements and the mountain regions of eastern Tennessee, western Virginia, and western North Carolina where yeoman farmers thrived.⁴⁶ As early as the 1720s the Quakers fought negrophobia and restrictive black codes.⁴⁷ Like other antislavery groups, the Quakers were split between emancipationists seeking a place in society for blacks and colonizationists desiring blacks' removal.⁴⁸ The Friends criticized the dominant view of white North Carolinians that stressed a "cast-iron necessity of keeping slavery unbendingly confined to its present condition, cutting off the least tendency

to amelioration.... Slavery absolute — nothing short of it — and as few free negroes as possible..."⁴⁹ So concerned about slavery were the Quakers that the Standing Committee of the North Carolina Yearly Meeting finally sanctioned in the 1770s the emancipation efforts that individual Quakers already were persuing.⁵⁰

Eventually, the Yearly Meeting required Quaker slaveholders to emancipate their slaves; Friends in Pennsylvania and New England had done so earlier in the eighteenth century. Through the end of the 1700s Quakers continued to break the state manumission laws and to protest black codes quietly by petitioning the General Assembly. The legislature threatened their progress in 1741, 1777, and 1781 with statutes that severely limited manumission rights. A bill state lawmakers approved in 1796, however, boosted the Quakers' efforts since it allowed religious societies to appoint trustees to receive gifts on the organizations' behalf; those gifts included slaves. The trusteeship plan provided slaveholding Friends with a safe, paternalistic means of manumission. This law and the Friends' eager response to it created problems of a different sort: the trusteeship designated to care for the Quaker slaves became one of the biggest slaveholders in the state.⁵¹

Not until 1801 did the North Carolina Yearly Meeting take advantage of that law and accept slaves as gifts from its members. The Friends either employed or hired out slaves in low-skilled jobs; the money bondsmen earned from the tasks paid for food, clothing, and their eventual migrations to the North or, many years later, to Haiti. The number of slaves the trusteeship held mounted more quickly than the Friends were prepared to manage. By 1814, the trusteeship had accumulated 350 slaves; the number

swelled to 450 in 1822 and 729 in 1828. As their slaveholdings climbed, the Quakers' membership declined. What was to have been a temporary solution to the slavery problem was becoming permanent and hardly a "solution."⁵²

As early as 1816, Friends understood that the trusteeship system was failing. That year, Charles Osborne, a Quaker minister from Tennessee, helped form small manumission groups at the Center, Caraway, Deep River, and New Garden congregations in Guilford County. The four societies met in July 1816 to discuss gradual emancipation schemes, elect officers, draft a constitution, and name the coalition the North Carolina Manumission Society. Membership was open to everyone; the coalition declared slavery an evil but did not promote political action as a solution. Its ranks grew from twenty-three in 1816 to 281 in April 1819. The group also tried to cooperate with similar organizations that the Moravians, Baptists, and Presbyterians had formed. In 1818 the General Association (executive board) of the Manumission Society sent delegates to the Quaker-dominated Convention for the Abolition of Slavery in Philadelphia. During the next three years it established a black school in New Garden, Guilford County.

The Manumission Society corresponded with the American Colonization Society too. Rather than become an auxiliary of the ACS, it preferred to keep a strictly monetary relationship. (The North Carolina Yearly Meeting alone sent more than \$1,000 to the ACS in 1817.)⁵³ In 1817 it created a stir by adding the word "colonization" to its name. To Manumission Society followers the "colonization" tag suggested that its focus was moving away from seeing slavery as an evil and from seeing manumission and the establishment of equal rights within the state as realistic goals. Instead, the body's faithful thought that a new concept was emerging, one which viewed blacks as

undesirables who merited no place in society. More likely, the "colonization" label reflected the period's emancipationist mood. Many comparable societies appended the term to their titles during the Early National era. The dissension flamed so intensely that from 1819 on, the Manumission Society struggled to attract even a quorum of its members to its meetings.⁵⁴

Between 1822 and 1823 the Yearly Meeting formalized plans to remove their blacks to free states. In December 1823, Haitian President Boyer invited American blacks to immigrate to his country. Incentives Boyer provided, such as defrayment of transportation costs to Haiti, appealed to the North Carolina Friends.⁵⁵ Visits the following summer to Quaker settlements by prominent emancipationist Benjamin Lundy helped win the Friends' approval of the colonization program. Increased dabbling in colonization plans by some Quakers reinforced the fears many other Quakers had expressed when the Manumission Society changed its name in 1817.⁵⁶ The terms of the 1824 correspondence between the Yearly Meeting of Sufferings and Jonathan Granville, President Boyer's emissary, specified that the Meeting of Sufferings was to guide the hiring out of the trusteeship's slaves and coordinate their removal to free states or to Haiti.⁵⁷

The apparent urgency and popularity of the colonization schemes led the Meeting of Sufferings to break up black families to facilitate their removal. The husbands of some of the would-be emigrants were owned by non-Quakers. Many women were reluctant to emigrate without them, so the Quakers bought the spouses as well. Those expenses and the fact that such situations necessitated aiding blacks for whom they were not directly responsible exacerbated the Friends' troubles. Other Quaker slaves preferred immigrating to free states rather than to Haiti or Africa. Within five years of

its inception, the Haitian program nearly folded. Reports of abuse of the American immigrants were so widespread as to remove Haiti as an option for colonization.⁵⁸

Free soil states were not receptive to the Quakers' efforts either. Pennsylvania Quakers repeatedly warned their North Carolina brethren not to send blacks there. Ohio in 1829 and Indiana in 1831 asked every black immigrant to post a \$500 bond as a good behavior security. Blacks unable to make the bond were forced to leave the two states within thirty days.⁵⁹ Quakers there were despondent. Nathan Mendenhall, clerk of the North Carolina Meeting of Sufferings, wrote to his counterpart in Indiana on January 30, 1826, of troubles a black and his escort encountered as they passed through Kentucky en route to Indiana. Three men accosted the pair and then kidnapped the freedom-bound former bondsman. Mendenhall threatened to hire a lawyer to force the trio to return the ex-slave to the North Carolina Meeting of Sufferings.⁶⁰ The kidnapping so discouraged Mendenhall that, as he confessed to another Meeting of Sufferings member three months later, he did not expect "any place will be procured to settle them in Indiana [as] has been in contemplation for that purpose."⁶¹ Samuel Charles, a Quaker from Indiana, echoed Mendenhall's sentiments in his letter of August 10, 1826, to North Carolina Quakers Jeremiah Hubbard and Henry Ballinger.

Friends are very much blamed by other people on account of the black people. Coming hear [Indiana] because Some of us have Considered it a duty to endeavor to protect and assert them I believe that it will not be best for Friends hear to incourage them being Sent hear as the prejudice against them are So great I consider it much more So than it is in Carolina, While I am endeavoring to give Friends

information I think it rite to give you Everything its due if So I must Say that I think there are as great prejudice in the mind of many of our members as there is in other people they will Say others do that they ought to be free but they do not want them among us therefore it makes it hard on those that are willing to do what they can for them, not withstanding ours is Cald a free State a free black person is not allowed much privilege by law hear as they are in Carolina.⁶²

Immigration to Liberia was seriously curtailed by the early 1830s also. The 1832 assumption of another North Carolina Quaker, John Newell, in a letter to Nathan Mendenhall that "there [is] now no place but Africa" was not supported by the decreasing levels of contributions to the ACS.⁶³ Annual donations to the ACS dropped from \$12,000 in 1832 to \$4,000 in 1834. By the latter year, the ACS had accumulated a deficit of \$45,000.⁶⁴ The state's white population was increasing more slowly than was its black. By 1833 the Manumission Society wondered whether it should keep meeting — just seventeen persons attended the Society's convention that year.⁶⁵ Although the Friends who acted as trustees owned 130 slaves by 1836 and had liberated 1,100 others, they were fighting a losing battle.⁶⁶

Several forces worked against the Quakers and free black North Carolinians. Briefly, during the same period the Manumission Society was active, the Southwest opened to settlement and cotton production, and North Carolina, with Virginia, became primary slave sources for the new cotton belt. Prices for good field hands ranged from \$600 to \$800 by 1830.⁶⁷ A cluster of events between 1829 and 1831 rejuvenated and modified debates about the merits of the peculiar institution. William Lloyd Garrison began publication his abolitionist journal, the *Liberator*, in January 1830, free black North Carolina native David Walker issued his *Appeal in Four Articles*

in 1829, and Nat Turner led an unsuccessful slave revolt in Southampton County, Virginia, in 1831. Virginia's crucial legislative slavery debates also occurred during those years, ending in 1832. Out of this morass, a unique strain of proslavery thought arose in the South.⁶⁸ The new defense of slavery after 1830 portrayed the institution as a positive good for blacks because it exposed them to "superior" white culture and paternalism.⁶⁹

Partially responding to these outside influences, North Carolina's legislators tightened free black and slave codes between 1825 and 1835. The Vermont Resolutions of 1825 caused a stir in the General Assembly. The resolutions declared slavery an evil and contained plans supporting the abolitionist movement. Governor Burton warned the North Carolina legislature of the Vermont Resolutions in his 1826 annual address and requested strengthened black laws. The Senate then appointed a special committee, headed by Henry Seawell of Wake County, to reexamine free black laws. When the session ended in January of 1827, the legislature had passed a plethora of restrictions on free black rights. Its accomplishments were fourfold. There were restrictions, first, on the migration of free blacks into the state; second, on manumission; third, on vagrancy; finally, it formed an apprenticeship system for free black children in which they would be bound out (essentially making them semi-slaves) for a specified period to learn a trade. The laws, if not important because of their severity, were significant politically. With their passage, North Carolina tried to shed its image as the "Rip Van Winkle" State and show Vermont and other states that it was capable of controlling its own affairs.⁷⁰

After the publication of David Walker's *Appeal* in 1829, the press in North Carolina reported that distribution of the pamphlet was spreading

quickly across Georgia and worried about what might happen if it were distributed in the Tarheel State. In August 1830, the police magistrate in Wilmington notified the governor that copies of the *Appeal* had been located there; the magistrate of Fayetteville also reported finding copies. Governor Owen next circulated a memorandum alerting the police in thirty-two other large towns as to the existence of the pamphlets and of the insurrection rumors accompanying their discovery. He noted too that copies of the *Appeal* had surfaced in Virginia, South Carolina, and Louisiana and recommended that the General Assembly require free blacks to give a security for the discharge of the duties they owed in return for state protection. Future governor Richard Dobbs Spaight Jr. of Craven County and Daniel Barringer of Cabarras County led the joint General Assembly committee that formulated the 1830 "Free Negro Code" and put the final touches on limitations of free blacks. The new laws included acts preventing the circulation of seditious material, the teaching of slaves to read and write, free blacks from gaming with slaves, and free blacks from peddling outside their home counties.⁷¹

Restrictive free black legislation was well-tuned by the time Nat Turner's fierce rebellion began in 1831. The insurrection marked the beginning of the end of freedom of thought in the Old South about slavery and the beginning of harsher treatment of the region's slaves and free blacks. The Turner revolt surprised and frightened many North Carolinians. Immediately following it, false rumors that the rebellion was spreading into the northeast counties near the Virginia border led to the evacuation of towns and to several lynchings.⁷²

Reaction to the insurrection, initiated on August 21, 1831, was strongest in the counties near the Virginia border.⁷³ On the following day, the state

militia in the area was called to arms, and the governor was swamped with requests for weapons. Rumors of the revolt were passed along from the town of Cross Keys by a teacher there, John "Choctaw" Williams, to Murfreesboro, located sixteen miles from Southampton. Next the rumors spread to outlying parts of Herford County, in which Murfreesboro was located, and then to the county's Court of Pleas and Quarter Sessions which requested aid from Raleigh and activated the militia. The governor's guards sent to Cross Keys killed forty slaves and free blacks en route. Murfreesboro harbored one thousand white refugees before the hysteria subsided. Two days later, on August 23, fears that the Turner revolt had moved to North Carolina spread to Northampton County adjacent to Virginia's Southampton County, the scene of the revolt, and six hundred armed men formed a search party.⁷⁴

The pattern was repeated in Warren County, forty miles southwest of Southampton, and in Halifax County. One thousand refugees in Halifax gathered at the home of county resident Jesse Simmons and in "Mrs. Flemming's Tavern." One black was seized and killed, and the county's male slaves were jailed. Exaggerated requests for troops prevailed, and rumors became garbled. Gates County, also on the Virginia border, had heard from the Murfreesboro militia, for instance, that a band of seven hundred blacks was loose. The rumors moved the next week from Halifax and Gates County to Duplin, Sampson, New Hanover, and Edgecomb Counties. The boroughs of Wilmington and Fayetteville stayed calm throughout the whole ordeal. Further west, in Raleigh, the capital was in turmoil. The statehouse had just burned that summer, and the town was astir that it might be rebuilt in Fayetteville. The first rumors of the revolt died quickly. But a second wave of rumors incensed Raleigh residents. Free blacks were locked up and the

militia called.⁷⁵ Grand juries in Raleigh and New Bern indicted William Lloyd Garrison for violating North Carolina's laws against circulating an incendiary paper, and the state itself put out a \$5,000 reward for the abolitionist. The governor warned North Carolinians that the rumors were both exaggerated and dangerous since innocent people had been injured and killed. Nevertheless, the fears expressed by both whites and blacks (free and slave), he said, showed that slaves were discontented and uncontrollable. He proposed increasing the military response.⁷⁶ After the rumors subsided most of the blacks jailed in the heat of the crisis were released. However, the laws regulating black life were tightened, especially those concerning free blacks.

Summarizing the immediate effects of the revolt in North Carolina, Charles Morris contends that for "the entire white population Nat Turner had, in one quick blow destroyed 'the prevailing stereotype of master-slave relations,' forcing whites to face 'a grim and dreaded reality,' namely that their own slaves could strike against them."⁷⁷ That analysis can be questioned. The call to arms and the violence following the revolt was not long-lasting; the revolt's impact on the western section of the state was minimal.⁷⁸ The area had a smaller black population, one which participated in a variety of non-agricultural activities. Perhaps because blacks there were less noticeable numerically and because they were found in more corners of society than in the east, western whites' relations with blacks were more comfortable than in the east.

The more plausible conclusion that the lack of a statewide reaction fosters is that North Carolinians assumed their existing slave and free black codes were adequate protection from dangers such as Nat Turner's. Turner

became more important as a stereotype than as a threat. Slave revolts did not follow in the state; white backlash was curtailed. Whites could congratulate themselves that the laws exerted strength with a relatively humanitarian facade; they could be compared favorably to neighboring states' codes. Yet, public opinion had been aroused sufficiently to ensure that the free black laws finally would be enforced.⁷⁹

As the next chapter explains, white North Carolinians' desire to define blacks' place in society was actually part of a larger attempt they made in the 1820s and 1830s to delineate the relation of citizen to state. Regional and local issues such as internal improvements, developing the state's economy, and equal suffrage for whites especially concerned Tarheel leaders in this period. That some of these issues were inseparable from the peculiar institution of slavery made the task of remedying the state's woes difficult.

Slavery provided the intensive labor needed to support the production of tobacco, rice, and cotton staples. Under federal census guidelines, slaves were counted as three-fifths of a person. These guidelines helped determine federal and state legislative representation. Residents of large western counties with growing white populations argued that slavery's noticeable presence in eastern counties with small white populations unfairly increased the number of representatives to which easterners were entitled. Westerners claimed that they did not receive their true share of representation and favored apportioning the General Assembly according to white population figures instead. Eastern legislators with staple crop production interests comprised a majority of the General Assembly and were able to block western requests for political and economic reform. Those included, for example, building railroads to link western subsistence and

livestock farmers to eastern markets; eastern merchants' requests for the state to clear waterways were just as unfruitful.

As a two-party political system developed, candidates for office and their supporters started defining themselves by their stands on these issues, most notably on the relative merits of slavery. Initially, such discussions were heated. By the mid-1830s, however, whites began to consider slavery a paternalistic institution rather than a necessary evil. Since free black and slave cultures were interlaced, the fate of free blacks often was connected to that of bondsmen. The politics of North Carolina were local in focus; in common with those of their southern neighbors, they were very much the politics of slavery too.⁸⁰

Notes for Chapter I

¹Guion Griffis Johnson, "Social Characteristics of Antebellum North Carolina," *North Carolina Historical Review*, XV (1929), 150. Hereafter cited as *NCHR*.

²Hugh T. Lefler, *History of North Carolina* (New York, 1973), 306.

³John Hope Franklin, *The Free Negro in North Carolina, 1790-1860* (New York, 1971), 195-196; Luther Porter Jackson, *Free Negro Labor and Property Holding in Virginia, 1830-1860* (New York, 1969), 26, 62-72.

⁴Joel Chandler Harris, "Free Joe and the Rest of the World," in George Perkins *et al.*, eds., *The American Tradition in Literature*, II (New York, 1985), 640; Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York, 1974), xviii.

⁵Chandler, "Free Joe," 643.

⁶Alexis de Tocqueville, *Democracy in America*, J.P. Mayer, ed., George Lawrence, trans. (New York, 1988), 343; Leon F. Litwack, *North of Slavery: The Negro in the Free States, 1790-1860* (Chicago, 1970), 113-152.

⁷Tocqueville, *Democracy in America*, 343, 350-351.

⁸*Ibid.*, 357, 355, 362.

⁹Berlin, *Slaves Without Masters*, xvi; W.J. Cash, *The Mind of the South* (New York, 1956), 77.

¹⁰John B. Boles, *Black Southerners: 1619-1869* (Lexington, Ky., 1984), 133; Berlin, *Slaves Without Masters*, 8-9.

¹¹Boles, *Black Southerners*, 130-131; Berlin, *Slaves Without Masters*, 56; Franklin, *Free Negro in North Carolina*, 31-32.

¹²Boles, *Black Southerners*, 136, 138, 131; Berlin, *Slaves Without Masters*, 175, xiv, 54, 56, 253.

¹³Boles, *Black Southerners*, 134-136, 138; Berlin, *Slaves Without Masters*, 175.

¹⁴Jackson, *Free Negro Labor*, 61-62, 70; Berlin, *Slaves Without Masters*, 253.

¹⁵Jackson, *Free Negro Labor*, 75, 77, 102, 61, 64-66.

¹⁶Rosser H. Taylor, "The Free Negro in North Carolina," *James Sprunt Historical Publications*, XVII (1920), 5, 23. Hereafter cited as *Sprunt*.

¹⁷John Spencer Bassett, "Slavery in the State of North Carolina," *Johns Hopkins University Studies in Historical and Political Science*, 17th Ser., VII-VIII (1899), 36. Hereafter cited as *JHUS*.

¹⁸Franklin, *Free Negro in North Carolina*, 6; Berlin, *Slaves Without Masters*, 32, 136, 396-399. According to Berlin's population records for North Carolina, Virginia, and South Carolina, free blacks comprised just 1.9 percent, 3.07 percent, and 1.17 percent of those respective states' inhabitants in 1830. As of 1860, 3.07 percent of North Carolinians, 3.6 percent of Virginians, and 1.4 percent of South Carolinians were free blacks.

¹⁹Bassett, "Slavery," 7-8.

²⁰Franklin, *Free Negro in North Carolina*, 4, 123.

²¹Rosser H. Taylor, "Slaveholding in North Carolina: An Economic View," *Sprunt*, XVIII (1926), 7.

²²Bassett, "Slavery," 79. This paper defines counties located west of Raleigh, the state capital in Orange County, as the west; those east of Raleigh comprise the eastern half of the state. If one drew a line down the middle of the state to separate the two sections it would follow closely that shaped by the popular vote on ratification of the constitution in 1835. (See Map 2, 115)

²³Boles, *Black Southerners*, 135.

²⁴John C. Inscoe, "Mountain Masters: Slaveholding in Western North Carolina," *NCHR*, LXI (1984), 145-146, 148.

²⁵*Ibid.*, 145-172.

²⁶*Ibid.*, 166; Boles, *Black Southerners*, 121.

²⁷Inscoe, "Mountain Masters," 172.

²⁸Johnson, "Social Characteristics," 149.

²⁹Boles, *Black Southerners*, 119.

³⁰Johnson, "Social Characteristics," 149.

³¹Taylor, "Free Negro," 5.

³²Franklin, *Free Negro in North Carolina*, 194-195.

³³Jackson, *Free Negro Labor*, 53.

³⁴Bassett, "Slavery," 43; Berlin, *Slaves Without Masters*, 32.

³⁵Franklin, *Free Negro in North Carolina*, 10.

³⁶*Ibid.*, 195, 198; Berlin, *Slaves Without Masters*, 31.

³⁷Taylor, "Free Negro," 6-7, 16.

³⁸*Ibid.*, 16; Berlin, *Slaves Without Masters*, 31, 29. "The large number of masters who ignored the law and freed their slaves in North Carolina, a state which straddled the Lower South and was deeply influenced by Lower South intransigence," indicates to Berlin, "the power of antislavery ideas to touch slaveholders even where abolition was fiercely denounced."

³⁹Franklin, *Free Negro in North Carolina*, 10-12, 192, 60.

⁴⁰John H. Russell, "The Free Negro in Virginia, 1619-1865," *JHUS*, 31st Ser., III (1913), 125.

⁴¹Franklin, *Free Negro in North Carolina*, 116; Litwack, *North of Slavery*, 74-112; Berlin, *Slaves Without Masters*, 8-9, 90-91, 123, 190-191, 382.

⁴²Russell, "Free Negro in Virginia," 66.

⁴³Franklin, *Free Negro in North Carolina*, 193.

⁴⁴Gordon E. Finnie, "The Antislavery Movement in the Upper South Before 1840," *Journal of Southern History*, XXXV (1969), 337-339. Hereafter cited as *JSH*.

⁴⁵*Ibid.*, 337-339, 342.

⁴⁶Kenneth Stampp, "The Southern Refutation of the Proslavery Argument," *NCHR*, XXI (1944), 36.

⁴⁷Bassett, "Slavery," 33.

⁴⁸Stephen B. Weeks, "Southern Quakers and Slavery," *JHUS* (1896), 223, 243.

⁴⁹Bassett, "Slavery," 33.

⁵⁰Peter Kent Opper, "North Carolina Quakers: Reluctant Slaveholders," *NCHR*, LII (1975), 37-38.

⁵¹*Ibid.*

⁵²*Ibid.*, 39-41.

⁵³*Ibid.*, 45.

⁵⁴Patrick Sowle, "The North Carolina Manumission Society, 1816-1834,"

NCHR, XLII (1965), 47-54. Excluding the reference to Opper, all of the material in this paragraph and the one preceding it comes from Sowle. See Philip Africa, "Slaveholding in the Salem Community, 1771-1851," *NCHR*, LIV (1977), 271-307, for Moravian slaveholding practices.

⁵⁵Opper, "North Carolina Quakers," 42.

⁵⁶Sowle, "Manumission Society," 55-57.

⁵⁷*Ibid.*

⁵⁸*Ibid.*

⁵⁹*Ibid.*; Berlin, *Slaves Without Masters*, 167; Litwack, *North of Slavery*, 66, 74.

⁶⁰Records of the North Carolina Meeting for Sufferings, MS, Quaker Room Collection, Guilford College.

⁶¹Nathan Mendenhall to Thomas Winter, Apr. 13, 1826, *Ibid.*

⁶²Samuel Charles to Jeremiah Hubbard and Henry Ballinger, Aug. 10, 1826, *Ibid.*

⁶³John Newell to Nathan Mendenhall, July 22, 1832, *Ibid.*

⁶⁴Opper, "North Carolina Quakers," 57-58.

⁶⁵Sowle, "Manumission Society," 64-68.

⁶⁶Opper, "North Carolina Quakers," 57-58.

⁶⁷Sowle, "Manumission Society," 64-68.

⁶⁸Bassett, "Slavery," 101; Stamp, "Southern Refutation," 35. See Alison Goodyear Freehling, *Drift Toward Dissolution: The Virginia Slave Debate of 1831-1832* (Baton Rouge, 1982) and Clement Eaton, *The Freedom-of-Thought Struggle in the Old South* (New York, 1964).

⁶⁹Stamp, "Southern Refutation," 35.

⁷⁰Bassett, "Slavery," 98-107; Franklin, *Free Negro in North Carolina*, 62-72.

⁷¹*Ibid.*

⁷²*Ibid.*; Charles Edward Morris, "Panic and Reprisal: Reaction in North Carolina to the Nat Turner Insurrection, 1831," *NCHR*, LXII (1985), 29.

⁷³Stephen B. Oates, *The Fires of Jubilee: Nat Turner's Fierce Rebellion*

(New York, 1975), 106.

⁷⁴Morris, "Panic and Reprisal," 32.

⁷⁵*Ibid.*, 29-48.

⁷⁶Oates, *Fires of Jubilee*, 134, 108.

⁷⁷Morris, "Panic and Reprisal," 52.

⁷⁸*Ibid.*, 51.

⁷⁹Franklin, *Free Negro in North Carolina*, 62-72.

⁸⁰Jackson, *Free Negro Labor*, 10; William J. Cooper, *The South and the Politics of Slavery, 1828-1856* (Baton Rouge, 1980), xi.

CHAPTER II

THE POLITICS OF SLAVERY

The strengthening of black codes and the disfranchisement of free blacks in the 1835 constitutional convention were among the numerous changes North Carolinians made after 1825 to remedy long-standing economic, political, and sectional problems. The changes occurred in three steps. First, Andrew Jackson's administration disrupted the state's "Era of Good Feelings," and leaders faced a transportation revolution just beginning in the 1820s. Second, political organizers drew on older community values to develop links between political and economic issues on national, state, and local levels. They used historic rivalries and alignments to frame two voting blocks centered on the bank issue and government aid for internal improvements. Last, rural voters accepted the partisan views espoused by party leaders in county seats and joined party operations in the 1836 state and national elections. The result "of party formation was a political system that expressed deep divisions within each community but which left the basic patterns of economic and social relations undisturbed. In other words, the development of liberal democracy first embodied a crisis and then neutralized it."¹ Similarly, the constitutional convention itself changed very little for whites. It served instead as a benchmark by which were set the themes of those sectional, class, economic, and party debates before the Civil

War. As the political process metamorphosed, the "participation of the Jew and the Negro in the political process was seen as atypical."²

Momentum for reform in North Carolina began before the ink dried on the new state constitution in 1776. That the momentum carried into the 1830s suggests that state reform movements were less a product of the western frontier experience than reactions to local conditions. When viewed in the context of other reform movements in the South, they carried more southern than Jacksonian ideological "baggage."³ The North Carolina of the early national period was a "parochial democracy." The General Assembly acted as a "perfect reflection of the Whig theory of government" with a popularly elected House of Commons and a propertied Senate. The government assumed a paternalistic role as the caretaker of existing social and economic structures.⁴

Compared to suffrage and officeholding requirements in most of the other southern states, the Old North State's appeared stringent. Freemen, for example, who had been residents of the state for at least one year and who had a freehold of at least fifty acres could vote for state senators. The one-year residency rule and a minimum holding of three hundred acres applied to senate seat seekers. House members held no fewer than one hundred acres. Taxpayers, with or without property, voted for house candidates. Those in Virginia and South Carolina did not enjoy such rights. The legislature chose and salaried the governor annually; the value of his lands were not to fall below £1,000. The arrangement left him without a veto power. The assembly chose judges and militia leaders too.⁵

Maryland added amendments in 1805 and 1810 to its constitution to reorganize its judicial system, eliminate property qualifications for

officeholders, and to extend suffrage to all white males. South Carolina during the same period changed the basis on which it determined the number of representatives to its lower house; new laws required that it ground the number of state representatives on how many whites lived in a certain area and on that area's annual tax payments. The Palmetto State also extended suffrage to white males with a fifty-acre freehold or town lot. Between 1808 and 1824 all officeholders in Georgia were elected by popular vote. In the decade between 1810 and 1820 four southern states — Louisiana, Mississippi, Alabama, and Missouri — entered the Union with provisions in their constitutions for free white suffrage and popular election of some of their government officials.⁶

In fact, on the eve of the second party system, access to suffrage was relatively open. Once they made their initial tax payment, North Carolinians were eligible to vote in all subsequent elections.⁷ Voter participation still was low. Turnout was greater for local elections than for presidential elections. As late as 1828, just 54 percent cast their ballots in the presidential race. However, 64 percent picked house members, 66 percent chose congressmen, and 71 percent elected sheriffs.⁸

One scholar suggests that state political lines in the 1820s and 1830s were "uniformly attributed to differences over national questions, and the most important national question was the presidency." Voters probably responded more enthusiastically to direct appeals from local politicians than to editorials and speeches by presidential candidates or their advocates. In concentrating on remote national issues "like the president or the tariffites or the abolitionists, one benefited from the fact that these targets could not or would not fight back effectively." It was a "gentleman's agreement" to

"protect each other from their own worst impulses."⁹ Further, party organization was a foreign concept to politics in that era. "In a political environment lacking organized parties, the legislator's prestige and reputation rested solely on his own individual accomplishment. The result was that attempts to gain office, the most favored word (office) in the republican lexicon of status, were highly factionalized."¹⁰ Following the Jeffersonian belief in a natural aristocracy, North Carolinians agreed that those most capable of governing were easily discernible. The cream of the intellectual crop would rise above the throngs of yeoman farmers. Men with land and education, strong kinship and community ties to those they governed exhibited the noblest levels of "civic virtue."¹¹

Statesmen were expected to act individually in the best interest of the public good. As Harry Watson has noted in his case study of Cumberland County, people were proud that they had balanced power and self-government, creating in the process "a suitable tabernacle for the eternal verities of republican politics and reformed religion. The sacred character of the state gave American politics a ritual quality which transfigured its more mundane coercive functions." They "regarded the American republic as a sacred instrument for the protection of liberty. Protecting the purity of the state was a more important task for political leaders than the use of state power to promote social goals," Watson explains. "Excessive use of state power not only undermined liberty directly by restricting the citizens' freedom of action, it also corrupted the sacred republic by giving politicians an opportunity to promote their own private ends." As a result, candidates for office avoided alliances with political groups. "On the other hand, if parties were necessary to mobilize the

electorate, then antipower political culture did more to inhibit mass participation in politics than any legal restriction on the franchise."¹²

Long after the 1835 convention and the birth of a two-party political system, wealth and power remained highly concentrated. Political experience was crucial in the selection of legislators too. Of the 171 senators in twenty counties Harold Counihan sampled for his doctoral dissertation on the 1835 convention, 101 (or 59 percent) also had served in the Commons; they had, at one time or another, met popular election. Annual elections made membership in the assembly semi-fluid. That body had a 40 to 45 percent turnover rate each session after 1815.¹³

Between 1850 and 1860 North Carolina's assemblymen came from the ranks of middle-aged planters, farmers or lawyers born instate. Most had property; few were wealthy or belonged to a "plantation aristocracy."¹⁴ With real property holdings in 1850 for state house and senate members averaging \$3,000 and \$4,500, respectively, legislators' property assets surpassed by several thousand dollars the minimum amounts necessary for obtaining assembly seats.¹⁵ Similar figures characterize property holdings for each political faction. Whig legislators owned property worth an average of \$4,000; Democrats' holdings were valued at just \$500 below that. Put another way, 55.8 percent of the Whig and 44.4 percent of the Democratic legislators in 1850 lived on land with values greater than those owned by the average North Carolina landholder.¹⁶

These disparities of wealth also were reflected in the numbers of slaves that legislators held. More senators owned slaves than did representatives in 1850. Among slaveowners, almost 30 percent of the representatives held between ten and forty-nine bondsmen, while more than one-third of the

session's senators kept that many slaves. A little more than half the members of each political party — 52.1 percent of the Democrats and 50.6 percent of the Whigs — kept blacks in bondage. Although fewer of North Carolina's statesmen held slaves than did legislators in Virginia and Maryland, about half of the Tarheel assemblymen represented counties where slaves constituted 25 to 50 percent of the population.¹⁷

As in the legislature, large holdings were concentrated in the hands of a few men.¹⁸ Frank Owsley argued in his 1949 classic work, *Plain Folk of the Old South*, that just one-third of white farmers owned slaves; most owned only one to five slaves and between fifty and one hundred acres. Whites could be divided into at least eight economic categories depending on the amount of land and the numbers of slaves they had. White agriculturalists ranged from planters, subsistence farmers, and herdsmen to tenants and hired hands.¹⁹

Slaves accounted for 33 percent of North Carolina's population in 1830; free blacks made up another 2.6 percent. A decade later, slaves made up 42 percent of North Carolina's inhabitants; in 1860 they comprised 44.2 percent. More than one-third of the whites living in the coastal plains in 1860 were slaveowners. By 1850, a quarter of the families in North Carolina owned slaves. Bondsmen accounted for 11.3 percent of the mountain population and 25.8 percent of the Piedmont. Almost one-fourth of the families in the latter region owned slaves.²⁰ Slaveholding appealed to North Carolinians for several reasons. According to James D. Foust and Dale E. Swan, slavery was a sound financial investment; it remained profitable up to the Civil War.²¹ Then again, North Carolinians had been born and raised in a slave society. Like "people in other times and other places, they did not question the

beneficence of the institutions of their society. When they reacted angrily to northern attacks on slavery, they were not just defending slavery, but their society and way of life."²²

As with Virginia, eastern slaveholding interests controlled the state government. Slavery per se did not fuel North Carolinians' ire. What irked Tarheel residents most was inequitable distribution of wealth and power across the state rather than among classes. The cries for reform took on a sectional air. Each county had one senator and two representatives. Borough towns also had special representation in the legislature. Since that body had the power to create counties, it could always create more in one section than in another. Because easterners ran the assembly, they usually added more counties to their section to block western legislation.²³

Changing demographic patterns made the system more unfair as time passed. "The census of 1830 did more to loosen eastern intransigence over reapportionment than did all of the violent protests of the western press." The 1830 census confirmed that more than half of the state lived west of Raleigh.²⁴ The state's white population grew from 289,204 in 1790 to 376,410 in 1810 and 472,843 in 1830. But its percentage of increase dropped from 17.19 percent in 1800 to 12.79 percent in 1830. Meanwhile, the number of free blacks expanded from 4,975 in 1790 to 19,543 in 1830; the slave population rose from 100,572 in 1790 to 245,601 in 1830.²⁵ Between 1776 and 1833, eighteen new counties west of Raleigh were formed, and fifteen new counties were created in the east. Western population in 1830 outnumbered that in the east 374,092 to 363,896.²⁶ (See Map 1, 114)

In terms of political power, however, the situation was quite different.

The east, with thirty-eight counties, had 119 legislators representing its interests; the west, with twenty-seven counties, had only twenty. (See Map 1, 114) The three-fifths clause in the North Carolina constitution gave the east another advantage in apportioning representation. As long as the east, which differed from the west in its social relations and economic interests, controlled the legislature, westerners would not be able to see other reforms they wanted come to fruition. Six times — in 1808, 1811, 1812, 1816, 1819, and 1821 — the west's efforts to call a convention to change voting and apportionment regulations were thwarted.²⁷ In 1823 western members of the assembly held a popular convention in Raleigh to talk about democratizing the system. Twenty-four western counties sent delegates to the convention; no eastern delegates attended. The significance of the convention lay not merely in the reforms it planned but in the image of unity it hoped to present to the east. The westerners could not manage even that feat. Their dissension came from a split between western mountain counties with small slave populations and the Piedmont counties nearer Raleigh over the basis of apportionment. The mountain counties desired representation based on the free white population, while the latter wanted it to rest on federal census numbers. In this 1823 convention, delegates eventually agreed to introduce in the next legislative session an amendment basing representation on the federal census numbers.²⁸

If the state had adopted the amendment the 1823 Raleigh convention delegates drafted, the mountain counties would not have picked up any more representatives, nor would the east have lost any. Instead, the slave counties in the Piedmont would have gained enough to rival the east's influence. They then probably would have allied with their eastern

slaveholding friends and thwarted further reforms. The amendments adopted by the 1823 convention failed to include significant reforms that all of the west had wanted such as popular election of governors or the end of special borough representation. Additionally, the convention's report showed that the counties not represented at the convention, the eastern counties, paid \$10,000 more in taxes than the west did. In other words, the west "had failed to prove its case, unless it was granted that free population should be the basis of representation, an assumption which the east had long since denied." The General Assembly subsequently refused to call a popular referendum to ratify the west's convention proposals. Eastern representatives rejected the alliance offers from the Piedmont counties, forcing them to continue political connections with their mountain western neighbors into the 1830s.²⁹

The east justified its power in terms of political theory. As Henry Wagstaff has noted, in 1819 most eastern politicians believed that "a just and republican principle did not require that numbers alone should govern; that one of the most important ends of government was the protection of private property; that counting property in slaves, the east was decidedly the wealthier of the two sections and, therefore, the existing mode of representation operated justly."³⁰ The west disagreed strongly about the "justice" of eastern dominance, seeing instead the cost to western vital interests. But other issues, like the popular election of county officials, showed no sectional biases. In the types of debate the legislature had after the Era of Good Feelings "the degree of support or opposition can be explained in no other way than personal preference. Thus, it would seem that the sectional factor and the individuality of each legislator transcended

any possible consensus born of property holdings."³¹

North Carolinians also were wary of change, perceiving it as a sign of national and societal decay.³² Americans increasingly understood that "many things could be done to increase both material and spiritual comforts, things that could never be done by individual efforts of independent yeoman farmers of the Jeffersonian image however dutifully they followed the wise counsels of the rightful aristoi. Goods needed to be grown, manufactured, and shipped, messages sent, taxes collected, and souls saved on a grand scale." They wanted a societal reorganization.³³ Internal improvements became one of the first major sectional issues. In Cumberland County, a county straddling the line dividing the eastern and western sections of the state and the home of the powerful borough of Fayetteville, the pivotal issue was the political economy. Residents had to determine after the Era of Good Feelings how they "wanted their community to fit into the rapidly developing world of international capitalism." Would it remain isolated and become a victim of regional markets? Or would the county become one of those markets for staple crops? If so, it needed banks, smooth roads, clear waterways. And so they formed political parties to uphold their "respective images of good government and the good life."³⁴ The west wanted better roads, the east wanted rivers opened, and the south wanted to drain the marshy sections around the inlets and sounds for the common goal of improving markets.³⁵

Markets in Columbia and Charleston, South Carolina, and in Richmond, Petersburg, and Norfolk, Virginia, grew richer as North Carolinians' pockets emptied.³⁶ Money was in short supply; merchants often had to pay their out-of-state suppliers with produce or hope that the suppliers would remit money they owed. In the early 1830s, for instance, salt produced in the east

cost ¢40-50 per bushel. To transport it to Iredell County in the west raised the salt prices by one dollar per bushel. Internal improvements proponents estimated that new roads could cut transportation costs for Iredell County consumers from one dollar to ¢25 a bushel and save the county \$3,750 annually. The state itself lost at least \$500,000 each year to out-of-state markets. Of the thirty-eight thousand bales of cotton exported from Petersburg, Virginia in 1827, thirty thousand came from North Carolina.³⁷ Farmers like those in Cumberland County "therefore faced a choice between the personal liberty they associated with subsistence farming and the hazardous allure of commercial production and urban markets." Some farmers and townspeople there supported progress, favoring the least expensive internal improvements such as public roads. Internal improvements opponents clung to the idea that "progress would carry too heavy a price." They conferred "unequal benefits among equal taxpayers" and stimulated the demise "of rural isolation and superior agrarian morality." Simply put, "riches bred luxury and luxury was fatal to republicanism."³⁸

Westerners were the most vocal internal improvements supporters. The mountains isolated the region from eastern markets, the types of crops it grew were less marketable, and the economic base of its residents, mainly subsistence-level or yeoman farmers, was narrower than that of the other sections. Internal improvements bills were introduced in the state legislature as early as 1815; throughout the 1820s the west held extralegal conventions to promote such legislation. These efforts were met with frustration until 1833, when Governor David L. Swain, a westerner, called for internal improvements in his annual address to the legislature. With Swain in the

governor's office, the west now had the guardian it needed to achieve the improvements it wanted. Forty-eight delegates from the western counties met in 1833 in an extra-legal convention to draft working proposals to submit to the legislature. Because of this strong showing and the governor's support, a legislative committee the following year recommended that funding be given to counties for internal improvements based on the guidelines created by the 1833 convention.³⁹

Simultaneously, political intrigues outside of North Carolina were stirring after the War of 1812. With the ascendancy of young national leaders in the Republican party such as Henry Clay, Daniel Webster, William Crawford, John Quincy Adams, John Calhoun, and Andrew Jackson, internal improvements, the reestablishment of the national bank, and protective tariffs garnered wider acceptance.⁴⁰ Mounting opposition during Jackson's presidency to his policies strengthened the outrage of the various interest groups in North Carolina that had been struggling for reforms. By 1828 divisions over these issues helped splinter the Republican coalition on a state level. This was followed in the mid-1830s by the birth of the Whig party.⁴¹

Indeed, national issues fueled the dissatisfaction with the status quo. The 1819-1820 Missouri Compromise controversy certainly contributed to sectional rifts. Slavery returned to national and state political stages. Western North Carolinians wanted slavery excluded from the Louisiana Purchase area above the Mason-Dixon line, while easterners wanted no restrictions on its introduction to the new territories.⁴² The tension caused by that issue was just dying down later in the decade when another issue closely related to the matter of internal improvements, the distribution of federal land sales proceeds, surfaced.

The legislature briefly debated the distribution problem in 1828 and 1829; the United States Senate discussed it in the latter year. However, the proposal did not receive much attention until 1833 when Jackson vetoed Clay's first distribution bill. That action had a snowball effect on the creation of opposition to the Tennessean.⁴³ North Carolina Senator Willie P. Mangum, formerly an ardent Jacksonite and distribution opponent, asked Governor Swain to give him instructions to vote for distribution when the issue came before the Senate. Swain favored distribution too, arguing that the original eastern seaboard states that had paid off the Revolutionary War debt through the cession of their western lands to the federal government deserved monetary compensation. Using federal population as the basis for distribution, Swain said North Carolina would receive at least \$300,000 from the payment — money to finance railroads, canals, and free public schools.⁴⁴

In 1834 state legislators began taking clear stands on the land distribution policy. Pleasant Henderson of Surry County introduced two resolutions favoring distribution in the assembly, both of which the Jackson faction, the Democratic-Republicans, opposed. Although William Haywood, leader of the Jackson Republicans in the house, agreed that it was unfair not to distribute public land proceeds to the old states, he lobbied against the resolutions lest the distribution cause state land prices to drop. The Jackson coalition threatened that distribution would lead to higher taxes. A better source of funds, they claimed, might come from lowering tariffs. The Democratic-Republican *Raleigh Standard* suggested that the distribution would create a \$3.2 million deficit that would have to be made up through taxes and linked distribution to protection of manufacturing interests. Swain still pressed the issue. The Jackson Republicans had only a fifteen seat

majority in the legislature, and seven of the state's thirteen congressmen were part of the anti-Jackson section of the Republican party. Eventually the debate over distribution turned on whether temporary or permanent distribution was better, the Jacksonians supporting the former and the rest preferring the latter. The legislature turned down Swain when he tried to coerce it to give Mangum the instructions the senator had requested.⁴⁵

The nullification crisis mentioned earlier illuminated at least three distinct anti-tariff groups during the 1832 presidential elections. Despite support for the "tariff of abominations" in the cotton factory areas of the state, most North Carolinians did not support it *or* the nullification of the tariff; neither did they welcome the president's Force Bill. The first anti-tariff group was composed of old Republicans like Nathaniel Macon and Bedford Brown. These men said the central government did have the power to levy a tariff and the president to enforce the constitution, but disagreed with Jackson's antinullification views and his desire to use force to make South Carolina comply with the tariff. Nevertheless, they continued to support Jackson. Another group consisted of old Federalists and nationalists who approved of Jackson's support of the Union but who did not want to ally with him. Nullifiers, men who liked Calhoun more than Jackson, comprised the third group. Supporters of the national bank frowned on Jackson as well. The national bank had been quite popular in North Carolina since it was the only organ that supplied uniformly valuable paper currency.⁴⁶ By the spring of 1834 the Republican party had split into two factions — anti-bank/pro-Jackson Democratic-Republicans (Democrats) and Branch-Calhoun/National-Republicans. The latter formed "States right Societies" and "Whig Associations" in December of that year. The states' rights label was

misleading. It was more an appeal to mainstream North Carolina voters than a call for the return of traditional states' rights. For the new party the terms reflected their goals of improving the state politically and economically and did not connote the meaning voiced by John Calhoun.⁴⁷

In North Carolina the Whigs included a hodgepodge of groups — nationalists and states' rightists, strict and loose constructionists, nullifiers and Unionists, pro- and anti-national bankers, pro- and anti-tariffers and those favoring federally financed internal improvements.⁴⁸ The only thing holding the factions together under that umbrella was their opposition to one or another of Jackson's policies.⁴⁹ They were joined by groups concerned with less pressing issues such as where to rebuild the state capitol which had burned in 1831. The leaders of Fayetteville tried desperately to have it removed from Raleigh to their borough. As elsewhere, the North Carolina Whigs decried the president's despotism. The Whig tag was a conscious effort to associate the party with the old opposition party of the Revolutionary War era. "Its association with the struggle against Great Britain," Herbert Dale Pegg has written, "made a sentimental appeal to men who were smarting under what they considered an unconstitutional exercise of presidential powers."⁵⁰ The overriding unifying factor among North Carolina Whigs, however, was not their opposition to Jackson but their support of a variety of means to lift North Carolina out of the rut in which it had lived for over half a century.

The National Republican element, those who had supported Clay's American System, comprised the largest portion of the new party. Yeoman farmers who wanted internal improvements and more equitable representation made up the backbone of the party. States' rights planters

formed another element in the new Whig coalition. Where they were a majority in other southern states' Whig parties, here they were a minority. A good portion of those planters were cotton growers who did not like Jackson's leveling policies or the 1833 Force Bill.⁵¹ That these planters cooperated with the commercial and economic interests leading the new party is not surprising considering they were dependent on the merchants, bankers, and businessmen to finance their crops, handle their investments, and to buy and sell their products. As Charles Grier Sellers suggests, businessmen dominated the towns of the South, and the towns dominated the countryside. (Within North Carolina, from 1833-43, the Whigs also drew supporters from the legal profession.)⁵² "Clothing themselves with the righteous claim that they upheld 'principles not men,' the North Carolina Whigs proposed to develop the state while saving the republic."⁵³

Among professional politicians active between 1825 and 1834, it would have been difficult to tell, on the basis of their public careers, who would become Whigs or Democrats.⁵⁴ Party and regional alignments in the 1830s overlapped. The Democrats were strong in the middle and western coastal plains. Whigs claimed the mountains, central Piedmont, and northeast. Political parties had become "surrogate sentinels guarding the fortress of liberty" and protecting white equality. Lines were drawn by 1834 but did not become manifest until the 1835 convention. With the 1836 gubernatorial election the second party system fully emerged. The Whigs established a central committee in Raleigh to coordinate the gubernatorial and presidential elections, tapping Edward Dudley of Wilmington for governor and Hugh Lawson White of Tennessee for president. The Democrats picked incumbent Edward Speight and Vice President Van Buren.⁵⁵ The evangelical tradition

in the South gave both parties a sense of "historical mission." "[E]vangelicals achieved cultural dominance in the South by successfully infusing the aspirations of the plain folk for the planter status with dignity of moral purpose."⁵⁶

The owner of the *Democratic Review*, John O'Sullivan, called the Democrats' mission in the first issue of 1837 "the cause of Humanity." With a "faith in human nature," their goal was to liberate "the mind of the mass of men from the degrading and disheartening fetters of social distinctions and advantages; to bid it walk abroad through the free creation in its own majesty; to war against all fraud, oppression, and violence....to substitute harmony and mutual respect for the jealousies and discord now subsisting between different classes of society, as the consequence of their artificial classification. It is the cause of Christianity."⁵⁷ Implicit in Jacksonian supporters' slogans "was the Jeffersonian view that the people's interests and the people's will were both unitary, that the only basic division in society was between 'the many and the few,' and that parties in a republic would disappear when the former group took control from the latter."⁵⁸

Ironically, the new "whiggery in North Carolina was not simply the formation of a new party, it was the acceptance of the idea of party itself."⁵⁹ Before 1832 the groups that would become the Whigs stuck to traditional political tactics "to gather all respectable political leaders under the 'executive usurpation' banner, with the tacit assumption that they would bring with them their local constituencies." Whigs "looked back longingly to a heroic era when leadership in politics was integral to leadership in society." Nationally they ran several prominent candidates for the presidency against the "Little Magician" in 1836, splitting their vote and tasting defeat. The

Whigs were "stillborn." With a transfusion of Jacksonian blood in 1840 their situation improved.⁶⁰ Whig organizers walked a line between "a moderate antiparty stance that attracted votes and an extreme hostility to parties that obstructed political effectiveness."⁶¹ Government was a "liberating force in the economy," the best place for the capital needed for internal improvements. Democrats saw corporations and banks as symbols of "unfair privileges for the few" and "unchecked financial power."⁶²

Conventions were the crucial institutions of state party organizations. North Carolina parties met more than their counterparts in other states. Whigs held the first state party convention in North Carolina in November of 1839 to nominate a gubernatorial candidate, pick delegates to the national party convention, write platforms, and appoint central committees. Party organizations often followed national groups' leads. Subsequently, perceptions of sectional crises came from party fights within states. Increased voter turnouts after 1834 became just one of the positive results of party formation. Eighty-four percent of the state's voters participated in the gubernatorial election and 83 percent in the presidential contest of 1840, a jump from 67 percent and 53 percent, respectively, in the 1836 races.⁶³

Like the bank war and internal improvements debate, slavery provided the stuff of which campaigns were made. Posturing on slavery attracted voters rather than illustrating real differences in the parties. On this subject the two parties again agreed more often than not. Whigs and Democrats concurred that slavery had to be protected; the method was the crux. They saw movements to expand the protection of free people over slaves and prohibit class distinctions among whites as mutually reinforcing; state

sovereignty was needed to defend slavery.⁶⁴ "Not altogether happy about giving the vote to all white adult males (Whigs regarded the franchise as a privilege rather than a right), they accepted white manhood suffrage as a fact and in the North championed male black suffrage because there they knew that blacks would vote Whig rather than for the party that evinced a greater tenderness for slavery."⁶⁵ For instance, in 1836 the southern Whigs emphasized the fact that their presidential candidate in the South was a southerner, someone on whom the defense of slavery could be depended. The tactic disturbed North Carolina Democrats so much that a group of them wrote to Van Buren requesting him to clarify his slavery position.⁶⁶ Political loyalties made it difficult for statesmen to cross party lines and unite to preserve slavery. Meanwhile, politicians of both parties continually were pressured to prove their devotion to maintaining the institution. Even those who criticized slavery did not want outsiders interfering with it. Yet no one could afford to be deemed "lukewarm" to the Union.⁶⁷

Such politicking shows that by 1834 the Whigs had sufficiently mastered party operations as to beat Democrats at their own game and accrue enough votes in the legislature to force a constitutional convention. There the conflicting economic and legislative apportionment interests of the state's several sections were to be resolved. The concluding chapter examines the convention's debates on that and the black disfranchisement issue in greater detail.

As the delegates gathered in June of 1835 in Raleigh for the constitutional convention, they understood better than most that slavery's perpetuation was inseparable from solving the other institutional woes from which the state suffered. Daily contact with slavery "may have focused the

attention of white citizens very closely on measures to preserve their sectional interests." Every party "insisted that its own economic policies provided the safest guarantees for the future of a slave society." Increasing restrictions on blacks became part of the move to save democracy.⁶⁸ The delegates struck a compromise whereby the west retained control of the House of Commons, the east of the Senate. That agreement, coupled with the consensus the parties displayed on the need to preserve slavery, suggests that the delegates' vote to disfranchise free blacks was motivated not by party intrigue but by sectional ideology and racism.

Notes for Chapter II

¹ North Carolina was split in 1824 between William Crawford and Andrew Jackson. Hostility toward President John Quincy Adams united the South almost monolithically in 1828 and 1832, producing a brief "Era of Good Feelings" in North Carolina. For the United States, the struggle for the presidential succession in 1824 disrupted what is termed conventionally "The Era of Good Feelings." Harry L. Watson, *Jacksonian Politics and Community Conflict: The Emergence of the Second Party System in Cumberland County North Carolina* (Baton Rouge, 1981), 14, 16.

² Harold Counihan, "North Carolina 1815-1836: State and Local Perspectives on the Age of Jackson," (Ph.D. diss., Univ. of North Carolina, Chapel Hill, 1971), 170.

³ Fletcher M. Green, "Democracy in the Old South," *Journal of Southern History*, XII (1946), 14-15. Hereafter cited as *JSH*.

⁴ Counihan, "Local Perspectives," iii, 38, iii.

⁵ Hugh T. Lefler, *History of North Carolina* (New York, 1956), 338.

⁶ Green, "Democracy," 11.

⁷ Watson, *Jacksonian Politics*, 60-61.

⁸ Counihan, "Local Perspectives," 176.

⁹ Watson, *Jacksonian Politics*, 65, 80.

¹⁰ Counihan, "Local Perspectives," 85.

¹¹ Watson, *Jacksonian Politics*, 9.

¹² *Ibid.*, 74, 69, 66.

¹³ Counihan, "Local Perspectives," 39-41, 43.

¹⁴ Ralph A. Wooster, *Politicians and Plain Folk: Courthouse and Statehouse in the Upper South, 1850-1860* (Knoxville, 1975), 28.

¹⁵ *Ibid.*, 35 (Table 6j); Counihan, "Local Perspectives," 22.

¹⁶ Wooster, *Politicians and Plain Folk*, 80.

¹⁷ *Ibid.*, 165 (Table 8c), 171 (Table 9c), 40 (Table 8), 50.

¹⁸ Gavin Wright, "'Economic Democracy' and the Concentration of

Agricultural Wealth in the Cotton South, 1850-1860," *Agriculture History*, XLIV (1970), 84-85. Hereafter cited as *Ag. Hist.*

¹⁹Frank Owsley, *Plain Folk of the Old South* (Chicago, 1949), 7-8.

²⁰Kruman, *Parties and Politics*, 15, 14.

²¹James D. Faust and Dale E. Swan, "Production and Profitability of Antebellum Slave Labor: A Micro-Approach," *Ag. Hist.*, XLIV (1970), 58.

²²Kruman, *Parties and Politics*, 107.

²³Lefler, *History of North Carolina*, 340.

²⁴Counihan, "Local Perspectives," 134.

²⁵John Spencer Bassett, "Slavery in the State of North Carolina," *Johns Hopkins University Studies in Historical and Political Science*, 17th Ser., VII-VIII (1899), 77, 79 [Hereafter cited as *JHUS*]; *Statistical View of the Population of the United States, from 1790 to 1830* (Washington, D.C.: 1835), 64-65.

²⁶Lefler, *History of North Carolina*, 338-342.

²⁷Herbert Dale Pegg, *The Whig Party In North Carolina* (Chapel Hill, N.C., 1969), 16.

²⁸Henry McGilbert Wagstaff, "State Rights and Political Parties in North Carolina — 1776-1861," *JHUS*, 24th Ser., VII-VIII (1906), 60-63.

²⁹*Ibid.*

³⁰*Ibid.*, 62.

³¹Counihan, "Local Perspectives," 28.

³²Watson, *Jacksonian Politics*, 2.

³³Lynn L. Marshall, "Opposing Democratic and Whig Concepts of Party Organization," in Edward Pessen, ed., *New Perspectives on Jacksonian Parties and Politics* (Boston, 1969), 62.

³⁴Watson, *Jacksonian Politics*, 14.

³⁵Charles Clinton Weaver, "Internal Improvements in North Carolina Previous to 1860," *JHUS*, 21st Ser., III-IV (1903), 39.

³⁶Guion Griffis Johnson, "Social Characteristics of Antebellum North Carolina," *North Carolina Historical Review*, VI (1929), 150. Hereafter cited as *NCHR*.

³⁷Weaver, "Internal Improvements," 17-19, 31.

- ³⁸Watson, *Jacksonian Politics*, 54, 57.
- ³⁹Weaver, "Internal Improvements," 17-19.
- ⁴⁰Wagstaff, "State Rights," 44.
- ⁴¹Johnson, "Social Characteristics," 149.
- ⁴²Lefler, *History of North Carolina*, 327.
- ⁴³William S. Hoffmann, "The Downfall of the Democrats: The Reaction of North Carolinians to Jacksonian Land Policy," *NCHR*, XXX (1956), 166.
- ⁴⁴*Ibid.*, 167-168.
- ⁴⁵*Ibid.*, 169, 172-173.
- ⁴⁶Max R. Williams, "The Foundations of the Whig Party in North Carolina: A Synthesis and a Modest Proposal," *NCHR*, XLVII (1970) 117-118; Lefler, *History of North Carolina*, 333.
- ⁴⁷Wagstaff, "State Rights," 54-55.
- ⁴⁸Williams, "Foundations," 117.
- ⁴⁹Counihan, "Local Perspectives," 188.
- ⁵⁰Pegg, *Whig Party*, 19.
- ⁵¹Lefler, *History of North Carolina*, 334.
- ⁵²Charles Grier Sellers, Jr., "Who Were the Southern Whigs?" in *Bobbs-Merrill Reprint Series in History*, LIX (1954), 340-342.
- ⁵³Williams, "Foundations," 125.
- ⁵⁴Watson, *Jacksonian Politics*, 23.
- ⁵⁵Kruman, *Parties and Politics*, 14, 4, 20.
- ⁵⁶Watson, *Jacksonian Politics*, 118.
- ⁵⁷[John L. O'Sullivan], "The Democratic Review: An Introductory Statement of the Democratic Principle," in Joseph L. Blau, ed., *Social Theories of Jacksonian Democracy: Representative Writings of the Period 1825-1850* (New York, 1954), 32-33.
- ⁵⁸Watson, *Jacksonian Politics*, 148.
- ⁵⁹Counihan, "Local Perspectives," 192.
- ⁶⁰Marshall, "Party Organization," 54, 58.

⁶¹Watson, *Jacksonian Politics*, 182.

⁶²Kruman, *Parties and Politics*, 28, 26, 104, 28.

⁶³*Ibid.*, 5.

⁶⁴Watson, *Jacksonian Politics*, 116.

⁶⁵Glyndon G. Van Deusen, "The Whig Party," in Arthur M. Schlesinger, Jr., ed., *History of U.S. Political Parties*, I (New York, 1973), 347.

⁶⁶Kruman, *Parties and Politics*, 108.

⁶⁷*Ibid.*, 105, 111.

⁶⁸Watson, *Jacksonian Politics*, 8, 295, 318; Kruman, *Parties and Politics*, 107.

CHAPTER III

CONCLUSION: THE 1835 CONSTITUTIONAL CONVENTION

The election of a western governor, David L. Swain of Asheville, and the political weight of Senator Willie P. Mangum in the Whig camp in 1834 added clout to the numbers gathered in the Whig fold. Until 1834 the west did not have enough votes in the legislature to pass a bill calling for a constitutional convention. As more North Carolinians all over the state grew disgruntled about one issue or another, pressure for change mounted. Convention bills were defeated in 1831, 1832, and 1833, but the west managed to mount during that period an unofficial public referendum that garnered 30,000 votes for holding a convention and only 1,000 in opposition. Another extralegal convention was held in Raleigh in mid-January 1834, beginning the motions needed to organize the convention.¹ The election of anti-Jackson men to the legislature by all seven boroughs assisted the west's efforts. The seven boroughs were so intent on keeping their privileged representation that they were willing to throw in their lot with the west and the Whigs.² In 1834, the "threat of revolution, the weight of public opinion, and the defection of certain eastern leaders who advocated internal improvements, particularly from the areas fronting on the Albemarle and Pamlico Sounds, caused the legislature to submit the question of a constitution to the people."³

Governor Swain gave his call for a convention in an 1834 address to the

General Assembly, then, to a two-party body especially receptive to the question. The assembly agreed to submit the convention call to a popular vote. The votes were close: sixty-six to sixty-two in the House of Commons and thirty-one to thirty in the Senate. Article XIII of the Convention Act required the delegates to address at least three issues. First they had to reduce the size of the Senate to between thirty-four and fifty members to be elected by districts formed according to the district's tax payments to the public treasury. Second came the reduction of the House of Commons to between ninety and 120 members to be elected by counties or districts according to federal population figures (freemen and three-fifths of non-taxed persons). Finally, they were directed to retain the residential and property suffrage requirements in senatorial elections. The convention, under the act, also could consider issues such as the borough franchise, disfranchisement of free blacks, religious tests for officeholding, new means for electing the governor, and ways to amend the constitution in the future. The details of the bill itself were determined by two easterners, William Gaston and William Haywood, and westerner David Swain. Swain and Gaston were Whigs; Haywood was a Democrat. When the bill was submitted to popular vote, it passed 27,550 to 21,694; only two among the western counties opposed it.⁴

The delegates adhered strictly to the convention agenda when they met in Raleigh in June of 1835. The amendments they endorsed represented a series of intricate compromises. The boroughs lost their separate representation in the General Assembly. After completing some last minute work on another issue, that of restructuring legislative apportionment, they settled senate membership at fifty. The delegates supported structuring the

House at 120. That decision resulted from a vote on whether to keep the 120 figure in a proposed house apportionment amendment or strike it in lieu of a lower number. Apportionment of the Commons was based on federal population, senate seats on the districts recommended in the convention bill. (See Map 3, 116) The fifty-acre freehold suffrage requisite for senators was retained, but residency requirements were dropped. Any white taxpayer still could vote for commons members. These measures enabled the east to maintain control of the Senate, and the west and lower class whites to run the House. Religious tests for officeholding were expanded from Protestant to Christian as well; candidates merely had to be Christians. Other achievements of the convention included lengthening the governor's term to two years, submitting gubernatorial elections to a public vote, and equalizing the poll tax on free males between the ages of twenty-one and forty-five and on slaves twelve to fifty years old. The delegates addressed laws touching on divorce, alimony, alteration of names, the legitimization of out-of-wedlock children, and the reinstatement of the citizenship of people found guilty of infamous crimes. The important issues of internal improvements and public land sales, however, were not included in the convention agenda.⁵

By a narrow margin of sixty-six to sixty-one the delegates supported a Committee of the Whole amendment that completely disfranchised free blacks. A proposal William Gaston, a Craven County Whig, introduced on July 3 to allow free blacks meeting a \$500 property requirement to vote lost by tally of sixty-four to fifty-five votes. When the amendments were submitted to popular ratification later that summer, 26,768 North Carolinians favored them, and 21,466 opposed them. With approximately 90 percent of the west supporting the amendments and 85 percent of the eastern residents voting

against ratification, the adoption of the new constitution failed to appease sectional intrastate strife.⁶ (See Maps 2 and 5, 115, 118)

Perhaps the delegates were able to look beyond their local interests temporarily because they held much in common. Political positions held by members of the 1835 convention included sixty-six in the House (thirty-two as Whigs, twenty-five as Democrats, and nine as Independents).

Seventy-three occupied senate seats (forty-one as Whigs, twenty-one as Democrats, and eleven as Independents). Five reached the governor's office, twenty-one became congressmen, four made it to the United States Senate, and at least eight were judges.⁷ Again, slaveholding provided a common characteristic for delegates from both parties. The seventy-eight delegates for whom information is available in the 1830 census owned 2,405 slaves. Just seven percent of the delegates owned none. Two-thirds of the Whigs, 62 percent of the Democrats, and 53 percent of the Independents held between ten and forty-nine bondsmen. That translates into an average of more than thirty-two slaves per Whig, twenty-four per Democrat, and thirty-three per Independent.⁸ (See Table 1, 108)

Officeholding requirements were, as Harry Watson notes, high in antebellum North Carolina; politicians actually had to have greater wealth and landholdings than were specified in the constitution to be part of the elite.⁹ The delegates who served in public office were members of the privileged corps that determined North Carolina's character from the 1790s through the early years of the Civil War. They shared a respect for property and distrust of the politicking associated with the fledgling two-party political system that, ironically, had made the 1835 convention possible. Yet some differences were insurmountable, as a collective biography, their

convention addresses, and analyses of convention votes illustrate.

An examination of the lives of five delegates — Nathaniel Macon, John Branch, Richard Dobbs Spaight Jr., William Gaston, and John M. Morehead — is relevant to studying the disfranchisement vote for numerous reasons. These men served on the convention committee that drew up the amendment proposing the total elimination of free blacks' right to vote. The five delegates came from different geographic sections and political parties; their votes on at least three key issues varied. Because their careers spanned the years from the Revolution to the Civil War, their experiences exemplify those of their convention peers. Finally, they participated in or witnessed the social and political changes which fostered the call to convention and the formation of the new state constitution. This profile supplements the background material offered in the first two chapters of this paper, enriching the context with which to view the convention's results.¹⁰

Convention President Nathaniel Macon, a Democrat from Warren County in the northeastern section of the state, favored a small House of Commons. He voted for a June 19 proposal to strike 120 as the house membership and to substitute a smaller number. Macon supported the Committee of the Whole's June 13 motion to abrogate completely free blacks' right to vote and opposed an amendment William Gaston introduced on July 3 that would have let free blacks meeting a \$500 property qualification retain the suffrage. Nathaniel Macon was a spokesman for the first generation of politicians active before the rise of the two-party system in North Carolina; his peers believed campaigning for office to be immoral, the federal government to be a necessary evil, and states' rights to be supreme. Born December 17, 1758, to Gideon and Priscilla Macon, he was just five years old

when his father died in 1763 and left him a medium-sized inheritance. William Dodd's survey of the 1792 tax lists shows that Macon owned 750 acres, had fourteen black polls, and farmed tobacco. Following study at Princeton, he served in both the New Jersey and North Carolina militias during the Revolution. He returned to Warren County to study law in 1780 and soon won a state senate seat. Macon and his brother John, who served in the House of Commons, actively tried to stop the depreciation of North Carolina's currency by promoting a return to specie payments. A member of the first sessions of the United States Congress in 1789 and 1791, he earlier had expressed a staunch states' rights attitude in opposing the adoption of the federal Constitution.

Macon took a commanding position in North Carolina politics as leader of the state's congressional delegation in 1795. His political ascendancy, Dodd says, finalized the movement in the state that "brought the common people, Democrats of the country squire type, into places of public trust." Macon's strict constructionist ideas appeared in his votes on monetary issues; he consistently voted against large appropriations of any sort, for a reduction of congressional salaries, and opposed the Bank of the United States.¹¹ More significant for Macon in the sessions of 1797-1801 than the policies Congress set was Virginian John Randolph's entry into the House of Representatives. Macon and Randolph severed ties with President Jefferson's camp in 1803 and joined a group of ex-Jeffersonians in the House commonly referred to as the "quids." Macon's return to the Jeffersonians' folds and his break with Randolph in 1807 came too late to prevent him from falling out of favor in the Republican party. By 1810, Macon had become an ardent southern expansionist. His support of the War of 1812 and the invasion of Canada

increased his popularity within the Tarheel State.¹²

Macon's election to the United States Senate in 1815 to fill the seat David Stone vacated marked the second phase of his political career. His strict constructionism and belief that "there should be only one party in the country, and that the most democratic imaginable" continued to upset his relations with the younger Republicans in his party. The Missouri Compromise of 1820, however, made uneasy bedfellows of both generations of Republicans. It was during this time that Macon began voicing his strong pro-slavery convictions. A member of the Finance and Foreign Relations Committees in the Senate, he became president *pro tempore* of that body in 1826. Macon supported William Crawford in the 1824 presidential election; after his retirement from politics in 1828, he helped groom his old colleague Martin Van Buren for the presidency. Macon concluded his career in 1835 when he served as president of the state's constitutional convention.¹³

Macon spent these last years between 1828 and his death in 1837 attending to his personal affairs at his home, Buck Springs. Although he gave two-thirds of his estate to his daughters as part of their dowries in 1807, the remaining one-third encompassed two thousand acres by 1830. He owned more than seventy slaves and ten thoroughbreds. While Macon never intended to emancipate his slaves, he did attempt to treat them as benevolently as his means and the times in which he lived would allow. The master of Buck Springs asked his slaves to attend church each Sunday wearing their best clothes. He frequently read to them from the Bible and transported all seventy to the monthly Saturday service at a nearby Baptist church.¹⁴

Most revealing of Macon's racial attitudes are his speeches on the

Missouri Compromise and on the Slave Importation Tariff and his letters to Bartlett Yancey, a North Carolina congressman from 1813-1817 and a speaker of the state senate from 1817 until his death in 1828. In his first years in the House of Representatives, Macon favored neither emancipation nor slavery. Slavery cast such a long shadow in the South that he saw no viable solution to the region's racial problems other than maintaining the status quo. He translated his states' rights and strict constructionist attitudes into a racial defensiveness. Congress had ordered that the importation of slaves be halted by 1808. In 1804, a motion was made in the House to apply a \$10 per head fee on imported slaves to speed the decline of the trade. Only South Carolina had not stopped importing slaves by 1804. Macon saw the fee as redundant and as a potentially unconstitutional use of federal powers since it would interfere with the affairs of sovereign state governments. Placing a tax on the imported slaves, Macon argued, would legitimize the trade because it forced the United States to use its navy to protect slave ships. If the government interfered with South Carolina's slave trade, Macon queried, will it "not look like an attempt in the General Government to correct a State for the undisputed exercise of its Constitutional powers?" It was ridiculous to believe, he added, "that those who at present go into the traffic, have no right to claim your protection; but once legalize it by taxing it, and they will acquire the right thereto, and will demand it."¹⁵

Macon's support of Missouri's admission to the Union in 1819 and 1820 had a distinctly expansionist, sectionalist, and pro-slavery flavor of which his earlier congressional addresses only hinted. A gross injustice would be committed if Missouri were not allowed to join the Union with Louisiana since they had been carved from the same land purchase. "The object now

avowed," he railed, "is to pen up the slaves and their owners, and not permit them to cross the Mississippi." The money used to purchase the western territories had come from both slaveholders and nonslaveholders; each had a right to carry his property to the new lands.¹⁶ Emancipation was easier said than done. Massachusetts's and Pennsylvania's successful emancipation attempts had been simplified because the two had fewer slaves than did other states. Emancipation was plausible "where there are but very few" slaves. It was telling, Macon suggested, that colonial statesmen had not emancipated their slaves. "And is it not wonderful," Macon continued, "that, if the Declaration of Independence gave authority to emancipate, that the patriots who made it never proposed any plan to carry it into execution?" If emancipation occurred in the South, what would result? Should even the worst — a convulsion like the one in St. Domingo — fail to happen, Macon reasoned, would not "whites be compelled to move and leave their land and houses, and leave the country to the blacks? And are you willing to have black members of Congress?" The slave South treated blacks more benevolently than did the urban North; the North was hypocritical. Nor was there a place in society for free blacks. There "is no place for the free blacks in the United States — no place where they are not degraded," said Macon. "If there was such a place, the society colonizing them would not have been formed; their benevolent design never known. A country wanting inhabitants, and a society formed to colonize a part of them, prove there is no place for them."¹⁷

He related his questions about slavery to Congress's power to establish banks and fund internal improvements. He often asked Yancey whether such powers also entitled the federal government to free slaves.¹⁸ Northern

politicians, Macon wrote to Yancey in one letter, used the Missouri issue to further their individual careers and split the Union. "The feds, I fear are not done with the Missouri question," Macon said in 1820, "they will no doubt push it, with a view to form new parties, on the principle of slave or no slave; it the only hope left them by which to get power...that is the doctrine, every one for himself."¹⁹ He repeated his pessimism of free blacks' fates in one of his last letters to Yancey. Macon was sorely disappointed that the North Carolina General Assembly rejected a bill that would have prevented blacks from immigrating to the state in 1826. There was no place for free blacks in the Tarheel State, "in places where slaves are numerous, & if they are permitted to come into the state, the adjoining states will furnish more emigrants of them, than an opposer of the bill would be willing to receive."²⁰

Macon was the contemporary of both Governors Richard Dobbs Spaight Sr. and Richard Dobbs Spaight Jr. The younger Spaight, a Democrat, represented Craven County on the east coast; the county was home to the borough town of New Bern. His votes on the free black disfranchisement question at the convention matched Macon's. Spaight came from a prominent political family; another relative, Arthur Dobbs, had been of Royal Governor of North Carolina in the eighteenth century. Spaight was born in New Bern in 1796; his father died six years later in a duel with John Stanly. Primary schools in New Bern and the University of North Carolina (UNC) provided the backbone of Spaight's education. Upon his graduation from UNC in 1815, Spaight studied law and then became an attorney. In 1819 he was elected to the House of Commons from Craven County and served three consecutive terms in the state senate from 1820 to 1822. Following his tenure in the

state legislature, Spaight served in Congress from 1823 to 1825. He returned to the state senate in 1825 and remained there until 1834. Spaight twice was an unsuccessful candidate for the speakership of the Senate. When the constitutional convention began in Raleigh in June of 1835, Spaight became chairman of the Rules Committee. That same year, Spaight lost a reelection bid against Edward B. Dudley in the first public gubernatorial election in North Carolina's history. From the end of his term in 1837 until his death in November, 1850, Spaight retained his law practice in New Bern.²¹

Little in the convention record or in Spaight's gubernatorial papers and letter books illustrates his racial views. He spent much of his tenure in office implementing the reforms the revised constitution sanctioned. However, the elimination of free black suffrage did not remove the issues of slavery, abolitionism, and free black rights from Spaight's purview. The governor's office received a lengthy petition from an anti-abolition society centered in Cincinnati in January, 1836.²² The issue of preventing the sending of abolitionist literature through the U.S. mails in the South captured North Carolina's legislators' attention as well. Governor Spaight's papers are filled with copies of other states' constitutions, resolutions, and amendments on abolitionism. Unfortunately, Spaight's replies to the inquiries for information on the subject are missing. Beginning in December, 1835, his public papers reveal, the plight of a Massachusetts free black, Mary Smith, prompted a great deal of correspondence between him and Massachusetts officials.

Testimonies Samuel E. Sewell collected in February, 1836, from witnesses who knew Smith, sketch the dire predicament free blacks who entered the Tarheel State either temporarily or permanently faced. Smith, a mulatto from Marblehead, Massachusetts, had moved to Boston in 1818 to be

a house servant for several wealthy families. A few years later, she moved to New York where she worked for the mayor's family and for a Quaker boarding house.²³ The testimony of a Bostonian completed the story. This witness noted that Smith travelled from Boston to New Orleans in the service of some gentlemen in the spring of 1835. On the return trip to Boston, her ship wrecked on Ocracoke Bar off the North Carolina coast. After her rescue, she was proved free, he said, by a local court. The Bostonian believed that the man who found her, a Captain John Pike, was holding her against her will. Pike "got her into his possession by what means I did not understand, but I was informed there that it by some mode no better than stealing," said the Boston witness.²⁴ Massachusetts Governor Edward Everett wrote Spaight in 1836 to release Smith and return her to Massachusetts.²⁵ Neither the testimonies Sewell gathered nor Governor Everett's swayed Spaight, who refused to return to Smith to Massachusetts until he investigated the matter more closely. "From the information contained in Captain Pike's communication," Spaight wrote Everett, "I have doubts as to the freedom of the woman, I fear she has been taken from New Orleans either to gratify a spirit of fanaticism or some other passion I will not pretend to say."²⁶ Spaight's papers do not record Smith's fate. From his pessimistic response to Everett's letter, one can assume that Smith probably spent the remainder of her life in the Old North State with Captain Pike.

John Branch represented Halifax County, the county adjacent to Macon's home turf of Warren County. He considered himself at various times during his long political career both a Whig and Democrat. The former Secretary of the Navy voted for the June 19 "strike" proposal and against both the Committee of the Whole report and the Gaston amendment in the

convention. Another of North Carolina's early nineteenth-century governors, he shared Macon's states' rights views but belonged more to the new guard of politicians of whom Macon had warned Yancey. Mention of his racial views in his private papers and in scholarly works is rare. Yet, recounting the anger he displayed in the state's bank and internal improvements disputes illustrates what an emotional subject North Carolina's poor economic condition was to the politicians who became delegates to the 1835 convention and why they repeatedly turned to this subject in the convention's apportionment discussions. Branch was born in Halifax County on November 4, 1782. His father, like Spaight's, had been active in politics. The future governor graduated from UNC in 1801 and then studied law with John Haywood in Halifax. Branch represented the county in the state senate in 1811, 1813-1817, 1822 and 1834. President of the Senate in 1816 and 1817, he subsequently was elected by the General Assembly to three consecutive terms in the governor's chair from 1817-1819. The state legislature sent him to the U.S. Senate in 1823 and 1829. In the latter year, Andrew Jackson appointed him Secretary of the Navy.²⁷ Branch's severe criticism of the country's banking system and of Clay's federally financed internal improvement schemes endeared him to the emerging Democratic party and to the Jacksonians. Responding to the financial crisis the Panic of 1819 caused, Branch lambasted the state's banks in his 1820 annual assembly address . He was willing to give the banks sufficient time to pay off their notes. But if they tarried in doing so, the governor pledged "that if after this you will not profit by the knowledge you have gained from the experience you shall be disfranchised and rased to your very foundations to which should be annexed the heavish [*sic*] legal sanctions known to our

laws." Later in the address, Branch added that "the omnipotence of Banks has become almost proverbial."²⁸ Branch did not close his mind to the need for internal improvements; he favored state rather than federally financed construction of new roads and canals. Progress was inevitable, he told the General Assembly in 1819. Still, he warned, "North Carolina from its remoteness from navigation must long continue to be an agricultural rather than a commercial State."²⁹

Branch had been a popular leader in North Carolina but had never played the dominant role in the major political faction of the Era of Good Feelings, the "Old Republicans," that Macon, on the federal level, and Yancey, within the state, had. When Yancey died in 1828, his mantle passed to Richard Dobbs Spaight Jr. Branch broke with the Macon group in the 1824 presidential election and switched his support from William Crawford to Andrew Jackson, linking Calhoun supporters and younger Democratic Republicans like Charles Fisher to the Jackson campaign. Through the next four years, Branch devoted himself to politicking for the "People's Party" that had supported Jackson in 1824 and that wanted to discredit Crawford's supporters in the state.³⁰ Following his loss to Edward Dudley in the 1838 gubernatorial race Branch switched his membership back to the Democratic party.³¹ He moved to Florida in 1843; President Tyler later appointed him its territorial governor. Branch died shortly after his return to Halifax County in 1851.³²

John Motley Morehead, a Whig from Guilford County, situated west of Raleigh in the heart of the Piedmont, was as instrumental as Branch in forming the Whig party. He voted against the June 19 house membership proposal, for the Committee of the Whole report and the Gaston amendment.

Morehead was born on July 4, 1796, in Pittsylvania County, Virginia, to John and Obedience Morehead. The family moved to Rockingham County, North Carolina, in 1798 where Morehead remained until his marriage in 1821 to Ann Lindsay. Before his graduation from UNC in 1817, he had studied with Thomas Settle at David Caldwell's academy near Greensboro in Guilford County. From 1817 to 1819, Morehead studied law with internal improvements leader Archibald D. Murphey; he entered the bar in the latter year. In 1821 Rockingham County voters elected him to the House of Commons; soon after his victory, the Moreheads moved to Greensboro. He represented Guilford County in the House of Commons in 1826, 1827, 1858, and in the Senate in 1860. Morehead served two consecutive terms as governor in 1840 and 1842. In addition to presiding over the first statewide Whig convention in North Carolina in 1839, Morehead directed the National Whig Convention held in Philadelphia in June 1848. Throughout the 1850s he participated in and headed several internal improvements conventions, raised capital for railroad construction, and organized a private stock company in Rowan County to extend the "North Carolina Rail Road" to the west. The legislature sent Morehead to the Peace Congress in Washington, D.C. in 1861; during the next two years he represented North Carolina in the Provisional Congress of the Confederacy. He died in Greensboro on August 27, 1866.³³

Morehead carried the enthusiasm he had expressed for reform in 1821, 1823, and in subsequent western extralegal apportionment reform and internal improvements conventions, then, not only into the convention of 1835 but into his many years of public service following it. Nor did his sentiments about slavery and free blacks change after the convention. Like

Spaight, Morehead repeatedly confronted race problems during his gubernatorial administration that the abrogation of free blacks' suffrage was to have prevented. Morehead's treatment of blacks was even-handed; the governor did not support slavery directly. As long as state laws sanctioned its existence, he felt impelled to uphold its legal principles. His reasoning on the subject was complex.

For example, Morehead rejected the pardon of a white overseer, James Gwynn, who had been convicted of manslaughter in Rockingham County for the murder of a slave in 1843. "While slavery exists," Morehead wrote, "the power of the master over the slave must be — as it is *almost absolute*." The law protected a slave's life but restricted only an owner's caprice.

Extraordinary abuse of slaves on the part of masters or of their overseers (who stood in the masters' places in their absence) was criminal. Supposedly, Gwynn had tied the slave's hands and feet together before beating him to death. Nothing, Morehead said, "could justify so severe, so long, so inhuman punishment." Gwynn's behavior provided "so many arguments in favor of its [slavery's] abolition." The law, in such cases, not emancipation, was the friend of the black.³⁴

Morehead also denied a pardon for Joseph Sugg, found guilty of murdering a free black man in Greene County in 1842. Petitions for the pardon claimed that Sugg was illiterate, mentally incapacitated, and had acted in self-defense when he killed Dick Jones and attacked Jones's brother. Morehead regretted that Sugg was illiterate; if that contributed to his committing the crime then it showed the need for a public education system in North Carolina. The Greene County jury, Morehead said, would not have convicted Sugg if he were "feeble-minded." Further, the details of the incident

were sketchy; the petitions never mentioned what, if anything, the Jones brothers did to provoke Sugg. Morehead concluded that in "an instance where violence has been committed openly and publically by a negro upon a white man but what the white man was to blame in some degree — by forgetting what was due to himself & their relative positions in society."³⁵

Likewise, he was unsympathetic to petitions for the release of eleven whites in Duplin County who had been sentenced to prison for kidnapping a few years later. Several free blacks had harassed the whites for months. The blacks supposedly had trespassed on the men's property and killed some of their livestock; they also had killed one of the defendant's sons. Police officers captured some of the culprits and placed them in jail, but one black quickly escaped. The eleven defendants, afraid that the blacks might renew their harassment, took the incarcerated blacks out of the jail on the premise that they planned to remove them to a safer one. Morehead said neither the defendants nor the Duplin magistrates who had built the jail so poorly were above the law. If the law had been "wholly disregarded," it was time, Morehead said, "that its existence should be felt." The law "must be enforced or we are not safe — and it is by disregarding its violation in extraordinary cases that makes us familiar with its violation in ordinary ones."³⁶

William Gaston and Morehead regularly allied in the political arena. Their votes on the June 19, Committee of the Whole, and July 3 motions were identical. Gaston, a Whig, was Craven County's other delegate. He was born in New Bern on September 19, 1778; his father died three years later in the Revolution. When Gaston entered the new Catholic university in Georgetown at the age of thirteen he became the institution's first student. The next year he transferred to an academy in New Bern. In 1794 he entered the junior

class at Princeton; following that, he studied law with Francis Xavier Martin. In 1798, the same year Gaston entered the bar, he took over the law practice of his brother-in-law, John Louis Taylor, when Taylor was appointed to the state superior court. Craven County elected Gaston to the state senate in 1799. Gaston represented New Bern in the House of Commons in 1808 and 1809, also serving as Speaker of the House. Again in 1812, 1818, and 1819, Gaston represented Craven County in the Senate. He represented New Bern several more times in the House in 1824, 1827, 1828, and 1831.³⁷

Gaston devoted his first years in the legislature to promoting the Federalists' goals. He agreed in 1812 that the United States had legitimate grievances against Britain and France, but thought a war would destroy America's trade with England; an invasion of Canada would hinder the nation's efforts to protect seamen's rights. As part of the North Carolina congressional delegation in 1813 and 1815, Gaston was instrumental in creating a bill that directed the uniform selection of presidential electors. His years in the state senate were vital as well. In 1818 and 1819 Gaston chaired the Senate Judiciary Committee that developed the state's first supreme court; the Supreme Court consisted of three judges who ruled only on appellate cases. Gaston declined nomination to the body but later acceded to pressure, joining the Court in 1833. He had helped restructure the state's banking system in 1828 as chair of the House of Commons Finance Committee and as president of the Bank of New Bern.³⁸

The pivotal year in Gaston's career was 1833, the year he was nominated to the state supreme court and, in an internal improvements convention held in Raleigh, was elected chairman of the committee that set the course for future internal improvements efforts. The eleven years Gaston

served on the Court before his death in 1844 established several precedents in settling the legal rights of slaves and free blacks. Gaston was a large slaveholder and used that experience in formulating his legal opinions. The priests of St. Paul's Catholic Church in New Bern baptized at least forty of Gaston's slaves between 1821 and 1842. He allowed one of his slaves in 1822 to maintain a blacksmith shop in Kinston and purchased the slave's wife so she could be with him.³⁹ Replying to a letter from Charles F. Mercer regarding the colonization of slaves in 1828, Gaston admitted that he already belonged to a local colonization society. He agreed that the society's goals were admirable but worried that it was "disposed always to aid in any scheme which is not evidently visionary and which seeks to do good."⁴⁰

The 1834 case of *State v. Will* was a triumph for black North Carolinians' rights. Gaston's ruling in the case set the legal precedent Governor Morehead used in refusing to pardon overseer James Gwynn in the murder of a Rockingham County slave in 1843. Will, the slave of James S. Battle, had been sentenced to death for the murder of his overseer, Richard Baxter. Battle appealed the decision to the Supreme Court, and Gaston swayed his associates on the bench, Thomas Ruffin and Joseph J. Daniel, to overturn the lower court's decision. (A Democrat, Daniel represented Halifax County in the 1835 convention.) Gaston recognized the legal existence of slavery and a master's right to punish his slaves. However, said Gaston, it "is certain that the master has not the right to slay his slave, and I hold it to be equally certain that the slave has a right to defend himself against the unlawful attempt of his master to deprive him of life." Will was not a piece of property but a human being "degraded indeed by slavery, but yet having organs, dimensions, senses, affections, and passions like our own."⁴¹ In the

case of *State v. Manuel* Gaston upheld free blacks' entitlement to protection under the state's bill of rights. "According to the laws of the state all within it who were not slaves fell within two classes, free men or aliens," Gaston asserted. "Slaves manumitted in the state became freemen, and therefore, if born within North Carolina were citizens of North Carolina, and all free persons born within the state were citizens of the state."⁴²

Gaston won more fame, though, for his efforts to liberalize religious officeholding requirements in the 1835 constitutional convention. Changing the criteria from Protestant to Christian did not go as far as Gaston, a devout Roman Catholic, had desired; it also stirred the longest debate of the convention. "The question before us is one, not of practical convenience, but of fundamental principles," he told the delegates. "He who would sacrifice such principle to the passion or caprice or excitement of the moment, may be called a politician, but he is not a statesman," Gaston continued. At stake in 1835 was the soundness of the state's institutions. "If we rest the fabric of the constitution upon prejudice — unreasoning and mutable prejudices — We build upon the sand," Gaston warned.⁴³

Thus, among the significant leaders of the 1835 convention, differences on internal improvements and slavery were discernible. These differences were influenced by sectional biases. Older leaders such as Nathaniel Macon and those from small, eastern counties opposed state-financed internal improvements. No doubt, they worried that state involvement in this area would set an ugly precedent allowing state interference with slavery. During the convention, these men would vote conservatively for disfranchising free blacks, for limiting the House to fewer than 120 members, and against allowing blacks meeting specific property qualifications to enjoy suffrage.

Westerners and residents of counties in which borough towns were located shared a more positive view of government and trust in the new two-party system developing in the 1830s. They tended to vote against disfranchisement. Delegates had direct contact with slaves at home and at work. A majority favored humane treatment of slaves, yet few during their lifetimes offered their bondsmen the hope of emancipation. Whether they deemed slavery a positive good or necessary evil, all felt obliged to enforce the law, that is, slave and free black codes. Slavery and the law were two pillars of southern society no one wanted to crack.

Other delegates echoed those sentiments when debating the apportionment and disfranchisement questions in the convention. Few of the delegates' public or private actions, including their 1835 convention addresses, suggest that reapportionment of the legislature depended on the disfranchisement of free blacks. However, slavery was inseparable from the apportionment question because the convention act specified that house membership rest on federal population counts — the total number of free inhabitants plus three-fifths the number of slaves in a county or district. Simultaneously, slaves were a form of property; owners could be taxed for them just as they could for their landholdings. Since the convention act called for distributing senate seats according to the amount of taxes a district paid to the state treasury, slavery affected the apportionment of both legislative houses. Traditional differences over the propriety of state-financed internal improvements framed many delegates' views on apportioning the House.

Support for setting the senate membership at fifty was virtually unanimous. The convention minutes fail to list the delegates' votes on the

matter, suggesting that agreement on the subject did not warrant mention. More controversial was the apportionment of the House. The convention amendments required the delegates to settle on a number between ninety and 120. On June 15, 1835, Jesse Speight, an Independent delegate from Greene County, introduced a resolution proposing to strike out the number 120 from another resolution that favored setting the House membership at the maximum allowed under the convention rules. Speight suggested replacing the number with any under 120 that the majority wanted.

Westerners such as Swain argued that representation in both houses should be proportionate. If delegates chose fifty, the maximum allowed for the Senate, they were obligated to pick 120, the highest membership limit for the House. Swain's sole objection was "the substitution of the *federal* number for *white population*, as the basis of the House of Commons."⁴⁴

Speight countered that sectional divisions clouded Swain's judgement. The Greene County delegate "believed they were more imaginary than real; but they existed, and, as the gentleman from Buncombe properly remarked, the great business for which they had assembled was to heal the breach." Using counties' tax contributions to the state treasury as a basis for senate representation, as Swain wanted, would lead to ruin. "The injustice of this compromise," he said of Swain's rebut, "is that while *white* population is only represented in one branch of the Legislature, slaves are represented in both departments. Is this fair — is it doing justice to both parties?" Speight approved of a senate membership of fifty "not because he apprehended from the West any tyrannical abuse of power, but because it would work the least injustice to the smaller counties, and therefore would produce the least shock." Further, if the west were so concerned about the state's lagging

economy, he suggested that it make do with 100 rather than 120 delegates and limit state expenditures. He "wished to concede to the West all that he could, but it was impossible to acquiesce in counties, while the larger ones would not be affected. A fair course would be to give the West ascendancy in the House of Commons, and the East ascendancy in the Senate."⁴⁵

Delegates digressed often from the apportionment subject to discuss the old issue of internal improvements. For example, James Wellborn, a Wilkes County Whig, chastised the east for relying on an antiquated picture of state affairs to create current policies. "At that time, the Western counties, many of them an hundred miles in extent, were uncultivated, and the savages roamed through our borders," Wellborn characterized turn-of-the-century North Carolina. "Time after time, have we petitioned the East to give us that weight in the Councils of the State, to which our wealth and population entitle us. We have asked them for appropriations to make highways and rail-roads, and what has been their answer?" Wellborn said eastern legislators told westerners that "Nature has supplied us with the means of reaching a good market, and we will not be taxed for your benefit." What would a western-guided government have accomplished? "The Central Rail-Road from Beaufort to the mountains, would long since have been completed; the Cape Fear and the Yadkin would have been united; a vigorous system of Internal Improvements would have been carried into successful operation," Wellborn speculated. "Look at South Carolina and Virginia, extending their improvements in every direction of the State, and contrast our situation with theirs. No wonder, when a North Carolinian goes from home that he is ashamed to own the place of his nativity; and, if interrogated on the point, makes out that he at least lives very near the Virginia line!"

Wellborn favored setting house membership at 120 not because westerners were hungry for power but because "they wanted justice;" internal improvements would help check the tide of emigration from North Carolina.⁴⁶

Macon made a poor attempt to steer the discussion back on track when expressing his approval of the status quo. He rejected the convention's compromises and had "disapprobation" for any internal improvements schemes in which the government was involved. "All improvements of this kind," Macon said, "ought to be the work of individuals, as they could always have it done at a cheaper rate than Government." North Carolinians were content with the present system of government. "There might not be so many two and four-horse carriages amongst them, but there were plenty of good horses," he suggested. "Nor so many splendid houses; but the people generally had comfortable dwellings and good plantations." The "term Farmer," Macon said, "was seldom heard in North Carolina, and he was glad of it, as it always indicated to him a state of tenantry — he preferred the term *Planter*, which conveyed to his mind more of independency and plenty."⁴⁷

Speight qualified his remarks, saying he did not oppose internal improvements but large, government-sponsored projects. He favored improvements to eastern waterways, those near his home county rather than western ones. Improvement of a fine harbor in Beaufort was more practical than building a railroad connecting the mountains to the east. The state could not support such a railroad on user fees alone. Eastern intrasigence had not blocked improvements. Rather, Speight said, the state "had constantly attempted to do too much." Also, he "was well aware, that

there was not only an Eastern and Western interest in the Legislature, but there was a Roanoke, a Cape Fear, and a Neuse interest, so that whenever any public improvement was proposed in one section of the State, it could not be carried without consenting to introduce projects in other parts," said Speight. "It was this species of log rolling that had prevented any thing from being effectually done to improve the State."⁴⁸

The debate continued into the next day, June 16. Jesse Wilson, a Whig state senator from Perquimans County, a small county in the northeastern corner of the state, questioned Speight's reasoning for forming a small House too. He faulted North Carolina's "local situation" rather than government corruption for the state's poor economy. The situation was so bad that neither a seaport like Charleston nor a railroad running from west to east could help. "It turns out, now, that the West want the power in their hands, not because Lincoln, Orange, &c. were unequally represented in the Legislature," said Wilson, "but because they want to construct rail-roads, canals, &c. to give them an outlet to the ocean." Such improvements would do very little good for the west "for nine-tenths of their land is exhausted, and not worth cultivation, contrasted with hundreds and thousands of acres annually brought into market in the southwestern States. None complain so much of the want of a market," Wilson said, "as those who have little or nothing to carry to it. Gain is the principle which prompts men to action; and so long as these immense bodies of land are kept in the market it is impossible to check the rapid tide of emigration which is depopulating the state."⁴⁹

Local interests were certainly at the heart of Carteret County delegate James W. Bryan's request for a compromise that would have allowed the

West to gain control of the House, the east of the Senate in return for preserving borough representation in the Commons. A Whig and a native of Beaufort, Bryan said the convention rules specified taxation as the apportionment formula for the Senate, federal population counts for the Commons. Under the arrangement, "the East will have the power in the Senate — her rich lands, her slaves, her store-tax &c. are sources of revenue to the State, which swell the amount of taxation paid in by her, to such as excess above that of the West, as will entitle her to a majority of four in that body, if the Senatorial branch is constituted of fifty members." However, he "was for producing an equilization of power, and should give to this plan his hearty concurrence, if the West would agree to give to the East a Borough member from each of the towns of Edenton, Newbern and Wilmington."⁵⁰

David Outlaw, a Bertie County Whig, rested his support for limiting the House to 100 members rather than 120 on the traditional skepticism of political factionalism that had characterized local and national politics from the Revolutionary era. With 100 members in the House, every county would have at least one representative. "It is to be presumed, that he (a house member) will know almost every individual in the county which he represents, and be apprised of his feelings and wants," Outlaw explained. But within the present convention act, he said, "fix the basis as we will, in the House of Commons, the sceptre has departed, and the ascendancy is irrevocably transferred to the West." At every census count, the west would accrue more power. Outlaw was willing to give up power in the House; yet, he said, Swain's plan would reinforce state divisions instead of healing them. "It was useless, however, to attempt to conceal the fact, that the Constitution now forming," he said, "was to represent the two sections of the State."⁵¹

Outlaw's arguments seem antiquated when viewed in the context of the two-party political system developing. It was westerner Charles Fisher who best expressed the spirit that motivated the call to convention and for apportionment changes. Fisher, a Democrat from Rowan County, followed Guilford County neighbor John M. Morehead's lead when voting on the Speight apportionment motion and the two black suffrage proposals. Fisher had played a key role in many of the state's unsuccessful internal improvements conventions and western caucuses. Nothing "was less stationary than Governments," Fisher reprimanded Outlaw and Macon. The west was fighting principles rather than power. "If, heretofore, we have experienced no very great inconvenience from the system," said Fisher, "the reason is, that our State Government has been poor, and has had but little money and but few offices to distribute." The west was in a good position now to abuse the spoils of office but had refrained from doing so, thus proving that power was not the seed of the west's discontent. "We are in the minority, but not very greatly so; yet enough so to keep us united. Minorities are always more united than majorities," said Fisher. "The reason is, that the consciousness of numerical weakness in minorities unite them, while in majorities the knowledge of their powers makes them less careful to act together. The majority does not always move in perfect concert." He pointed to the east for evidence. The east had a majority in the legislature, but jealousies between the Roanoke, Cape Fear, and Pamlico areas divided it.⁵² On the other hand, the "homogenous" western counties had scored numerous victories in elections of the last six to eight years. No matter which number the delegates settled on for the House—one hundred or 120—the east would control the Senate, the west the House. "Now in all legislation," Fisher said,

trying to appease the eastern delegates' concerns, "the two Houses act by concurrent votes, and one is a complete check on the other. If the West forces through the Commons a bill bearing unequally on the East, when it goes to the Senate, the Eastern majority at once rejects it." Only on joint ballots, Fisher said, could the majority "complained of" exert control. He concluded on a practical note. With 120 representatives, each medium-sized county would be entitled to two House members; with 100, they got only one. The delegates favoring 100 members might win the battle but would lose the war. He predicted that the medium-sized counties probably would vote against ratifying the constitution if they were not given at least two representatives apiece.⁵³

Two days later, on June 18, William Gaston picked up where Fisher left off. He agreed with Fisher that joint "action never takes place but in making appointments to office — and nothing can more clearly shew that appointments are not governed merely by sectional feelings, than the fact that, with an undisputed majority on the part of the East, more than *half* of the prominent appointments made by the Legislature are actually filled by Western men," said Gaston. "When appointments take place," he continued, "the disturbing causes which agitate the Legislature, usually arise from *party politics* — from *Federal* and not *State* divisions; and these, in consequence of the prevailing influence of the General Government are to be found East as well as West of Raleigh."⁵⁴

The reasons for apportioning the Senate and House on the basis Swain supported were deeper than other delegates fathomed. Gaston had heard complaints that it was unfair that a poor man, perhaps as honest and noble as a rich man, could not vote for a senator simply because of property

qualifications for suffrage. But it was "not because of his personal desert, that the privilege of voting for a Senator has been secured to the Freeholder, but that the rights and interests of *Freeholders* , as such, should not be invaded and broken down," said Gaston. "The most exciting principle of action in civilized society, is the desire of gain. Regulated, it is the great stimulus to industry, order and temperance — unchecked, it leads to plunder, violence and outrage." Gaston said it was useless to call such qualifications "aristocratic" since class lines were fluid. Because of the "ease with which property is acquired, and the rapidity with which it is spent, there are here no permanent orders of rich and poor. The poor of yesterday are generally the rich of to-day, and the rich of this day will probably be classed among the poor to-morrow."⁵⁵

Therefore, said Gaston, the Senate represented "the interests which spring from the possession of property, and the rule for its apportionment, as laid down in the Convention Act, that is, the ration of taxation, seems to be peculiarly suited to the constitution of such a body." Taxation as the basis for senate representation would eliminate government corruption by forcing sheriffs to collect taxes again and enforce tax laws. However, the diversity of the state's economy necessitated defining property by several criteria. If taxation formed the basis of senate apportionment, then one could not tax land without taxing billiards or slaves or other forms of property.⁵⁶

If slaves were counted as property when determining senate apportionment, Gaston asked, could they also be considered persons when setting the house membership, which rested on federal population figures? "The argument in favor of founding the representation in the House of Commons on the basis of free population, had been announced in the form of

a syllogism," said Gaston. "The Senate represents property, but the House of Commons represents, persons," he said. "Slaves are not persons — therefore, slaves ought not to be considered in apportioning the members of the House of Commons. Arguments are not always sound because they are put into approved form." The Senate, said Gaston, "does in the main represent property, but it does not *exclusively* represent property. Taxation is the ratio of representation there — but taxation does not arise wholly from property. A portion of the tax of every county is a poll-tax upon the free males — and so far as this tax enters into the estimate, *persons* as well as *property* affect the ratio of representation there."⁵⁷

Recalling some of his supreme court cases, Gaston asked, "in what sense can it be said that slaves are not persons?— So invaluable is the blessing of liberty, that it is difficult to institute any comparison between him who enjoys it, and him who has it not. But, vast as is the difference between a free man and a slave, it is not equal to the infinite distance which the God of Nature has placed between a rational being and a brute." He thought that slaves were human beings. "As such," he said, "they are subjects to the law, regarded as having a *will* which they may abuse to wicked purposes, and made responsible for offences against society. Why undertake to try a slave more than a horse — why, under the solemnity of oaths, investigate his guilt? Why, if he kills a man, do you not at once put him to death as you would an ox who had gored your child?" As a person, Gaston said, "his life is protected against the violence of all. Although a slave is an article of property, he is nevertheless a member of society — and, like other members of society, constitutes a part of its strength, or of its weakness." Gaston was a realist too. "Political necessity will not permit *him* (a slave) to exercise the elective

franchise," said Gaston, "but, in apportioning representatives to population, he cannot be overlooked, for he is a part of the population. Slaves constitute an anomalous class, having the mixed character of persons and property. As such they are viewed in the Constitution of the United States; and the rule of representation now proposed, is called the Federal rule, because it prevails there."⁵⁸

He urged caution in rewriting the constitution because wealth, numbers, and the character of the population would change. "Towards the West there are comparatively but few slaves; but, as their mining operations shall advance, and their manufactures shall be extended," Gaston said, "slaves will be multiplied in that region, for it was a law of Nature that men would not work when they could get others to work for them." And once the Cherokees were removed from western lands, there would be enough available to sustain several additional counties. After defending his choice of 120 members for the House, Gaston offered a more detailed proposal for operating house elections. He planned to divide the large counties entitled to at least three representatives into districts of equal geographic and demographic size. The convention act required that house members be apportioned by counties, districts or both. The members of each district would vote for one representative apiece, essentially exercising the power of a small county. Large counties would earn the members their populations warranted but not the power to dominate smaller counties.⁵⁹

Accordingly, if "the choice were to be made by the immediate neighborhood," Gaston reasoned, "they could confidently rely for success on the intimate knowledge which their neighbors had of their qualifications. But they could not abandon their regular occupations without a sacrifice of

domestic duties, nor take up the *profession* of canvassers for public favor, without a sacrifice of feeling and of conscience." The "field must be abandoned to what he verily believed to be the most mischievous of human beings — politicians by trade — who thrive and prosper by flattery and trick and falsehood — by pandering to the worst passions and prejudices of poor human nature — and who," Gaston concluded, "under the pretence of ardent love for the People, care for nothing, and seek for nothing, but their own advancement." He said that a "bare majority might elect a ticket of four members, who would misrepresent the views and opinions and wishes of as many individuals as in other counties would be entitled to two members."⁶⁰

The delegates rejected Speight's plan on June 19 by a vote of seventy-six to fifty-two and eventually passed Gaston's districting plan. (See Map 3, 116) Few of the discussions above on slavery or internal improvements surfaced in the debates about disfranchising free blacks. No delegate argued that disfranchising free blacks was a prerequisite for more equitable government representation. Clearly delegates carefully tracked population counts and their effects on apportionment. While equalizing the poll tax on blacks and whites probably did influence apportionment — especially the Senate's — no one suggested that free black suffrage touched the legislative "numbers game." There was little debate over the merits of disfranchising blacks *per se*. Instead, most of the discussion focused on the extent of free black suffrage limits. Some wanted the complete abrogation of their voting rights, while others wanted to limit the franchise to blacks who met certain property qualifications. According to the latter position, "worthy" blacks should not be penalized for the others' poor behavior.⁶¹ Gaston had not been the first delegate to link property qualifications to blacks' right to

vote. The original resolution to disfranchise free blacks, as introduced to the convention by Democrat Joseph J. Daniel of Halifax County on June 12, moved that any "free person of color" be entitled to vote for commoners so long as he "shall be possessed of a freehold estate of the value \$250, free from all incumbrances." Daniel agreed that the bill of rights did not apply to blacks; hence, they could not hold public office. Still, he believed that free blacks deserved protection from the state for the valuable service they rendered in the Revolution.⁶²

Branch concurred with Daniel that some, but not all, of the free blacks continue to vote. But, Branch said, they never were denied the right to vote to begin with. Daniel's resolution would accomplish less severely what those who favored total disfranchisement desired anyway, said Branch. He was "willing to keep the door open to the most intelligent and deserving of the free men of color." Another influence on the Halifax County Whig's opinion was the presence of two hundred to three hundred free blacks in the county. If Halifax delegates "on their return home, be under the necessity of telling them that the Convention had wholly abrogated their right of voting, the information," Branch feared, "would not be well received."⁶³

John D. Toomer, a Cumberland County Whig, disagreed with Daniel on legal grounds. Every "freeman" had a right to vote under North Carolina's constitution, Toomer said. Although the legislature had, periodically, excluded blacks from enjoying some of the privileges whites did, that was no argument for burdening free blacks with more and greater exclusions.⁶⁴ Branch was supported too by John Giles, a paternalistic Rowan County Whig. Giles favored a partial black franchise, dispelling the myth that black votes could be bought, and, thus, undermine the state's "democratic" institutions.

Abuse of black voting privileges resulted from white dishonesty, not black stupidity. "And who is the purchaser?" Giles asked. "[W]e are to blame. We ought to set them a better example...." Were blacks owed nothing? "We have the power," Giles asserted, "and ought to devise some mode of raising them from their present degradation...it would be very good policy not to deprive the respectable class of free colored people amongst us from voting, and thereby attach them to the white population."⁶⁵

Proponents of the complete abrogation of free black suffrage were vehement. Macon thought the question moot. Blacks' contribution to the Revolution had been negligible, the former Democratic congressman stated. Free blacks "never were considered as citizens, and no one had a right to vote but a citizen." The Revolution had been made by "British subjects." None were naturalized or took an oath of citizenship. They had been "no part of the political family; the negroes were originally imported in the way of trade, like other merchandize." Macon preferred age versus property qualifications for voting. Further, protecting black suffrage only prolonged solving the more crucial problem of removing them from the state. "What...can we do with these people?" Macon asked. "They are amongst us — we have no Moses to undertake their cause." Their presence was a necessary evil. Without the labor of free blacks and slaves the "southern country" would never be cultivated.⁶⁶

At the heart of the matter was the fact that free blacks inhabited two worlds. As Hugh McQueen, a Chatham County Whig noted, they had the right, as freemen, to vote; at the same time their lives were restricted so severely by the Free Black Codes that they actually lived like slaves. In fact, they endured a worse condition than slavery, enjoying little protection from the

law or a paternalistic owner. "Does a free negro aspire to the blessing, merely for the sake of acquiring the right to vote, or does the blessing of freedom bring along with it a pride of character which makes him aspire to this right," McQueen asked, "or, in other words, would he reject the boon of freedom, if proffered him unassociated with a right to vote?" Most blacks were less concerned about voting than their daily survival, he added. Should the black be enfranchised, he would be "willing to accept of it on almost any conditions you may dictate...." Public opinion across the country did not allow blacks, even those who could vote, to hold office. Yet, "the law of the country permits them to have a voice in excluding white persons from office...." Indeed, there "is no sort of polish which education or circumstance can give him, which ever will reconcile the whites to an extension of the right to suffrage to the free negro."⁶⁷

The next day, June 13, the Committee of the Whole introduced an amendment resolving that free blacks and mulattoes "within four degrees" were ineligible to vote.⁶⁸ Debate on this amendment followed the lines of the previous day's discussion. Gaston favored voting on the Committee of the Whole's amendment first and then, if the amendment failed to pass, discussing voter qualifications. Indeed, Gaston said the real issue was not whether free black suffrage should be extended, but whether it should be taken away. He was willing to limit their suffrage but not abrogate it completely. Free blacks who owned a freehold were honest and possibly Christian. Color alone was not sufficient reason to degrade blacks. "Let them know they are part of the body politic, and they will feel an attachment to the form of Government, and have a fixed interest in the prosperity of the community, and will exercise an important influence over the slaves."⁶⁹

Morehead offered a compromise of a \$100 freehold requirement for black suffrage — a smaller sum than Daniel suggested on June 12. "If we close the door entirely against this unfortunate class of our population," Morehead said, we *may* light up the torch of commotion amongst our slaves." Shortly after that speech, the delegates adopted the report by a vote of sixty-six to sixty-one and disfranchised free blacks.⁷⁰

The delegates did not take up the topic again until July 3. The vote to deny suffrage for free blacks was sufficiently close, Gaston said, to warrant reopening discussion. The denial of "this right would be regretted by the colored people, not only on account of its value," he said after the vote on the Committee of the Whole report, "but because it would be regarded as an indication of a disposition to force them down yet lower in the scale of degradation, and encouraging ill disposed white men to trample upon and abuse them as beings without a political existence, and scarcely different from slaves." He rested his case on a belief that most free blacks in the state were mulattoes, sons of white women rather than of slaves. He then offered an amendment recommending a hefty \$500 freehold and one-year residency requirement for free black suffrage. Fisher agreed with Gaston but said the freehold the judge proposed was too high. In addition, the difficulty in determining the real value of blacks' land when they came to polling places was tremendous. A better plan for modified black suffrage, Fisher thought, was to ask for fifty acres in fee of a value not less than \$50, on top of the other criteria whites had to meet. Persons "of good standing in this class ought to be admitted to vote, and not forced into the class of slaves," said Fisher. "We ought rather to open a door to such of them, as are respectable and worthy to be associated with freemen." The delegates rejected both the

Gaston and Fisher amendments; the first lost by a vote of sixty-four to fifty-five, and the second by a vote of fifty-nine to fifty-three.

Briefly, then, the delegates' votes on three possibly related issues were quite close. They voted sixty-six to sixty-one for the June 13 Committee of the Whole report that disfranchised free blacks. Six days later, on June 19, they rejected by a margin of seventy-six to fifty-two a proposal of delegate Jesse Speight that would have required the House Commons to have fewer than 120 members. On July 3, the delegates also rejected an amendment William Gaston introduced that would have allowed free blacks meeting certain suffrage requirements to vote. The two-party political system may have catalyzed the call to convention, but delegates paid scant attention to party loyalties when voting on these three topics.

Dividing the votes by party lines, thirty Whigs, twenty Democrats, and sixteen Independents favored the Committee of the Whole's report; voting against the report were twenty-nine Whigs, sixteen Democrats, and sixteen Independents. (See Map 5, 118) Of the fifty-two delegates voting for the Speight apportionment plan, twenty-three were Whigs, twelve were Democrats, and sixteen considered themselves Independents. Of the seventy-six voting against the Speight plan, thirty-eight were Whigs, twenty-three were Democrats, and thirteen were Independents. (The affiliations of three of the delegates who participated in the vote on the Speight plan are unknown.) Again, votes on the Gaston amendment were distributed fairly equally along party lines. Twenty-six Whigs, sixteen Democrats, and eleven Independents affirmed the Gaston amendment; however, thirty Whigs, eighteen Democrats, and sixteen Independents opposed it.⁷¹ (See Table 5, 112)

One of the characteristics the delegates shared was slaveholding. Masters opposed each other on all three issues. Delegates supporting the Committee of the Whole report to disfranchise free blacks held more slaves and represented counties with larger concentrations of slaves than did their opponents. The mean slave population of the twenty-six counties represented by delegates voting against the Committee of the Whole plan was 3722.6. The mean slave population of those whose delegates split on the decision was 3385.6; that of the counties in which every delegate agreed to the disfranchisement report was 4098.46. The mean slaveholdings of delegates favoring the Committee of the Whole report were 29.9 and that of delegates opposing it, 29.1. Slaveholding information on thirty-one delegates voting for the Speight plan is available from the census. The mean slaveholding of those voting for the plan, that is, to keep fewer than 120 members in the House, was 31.7. Of that group, two delegates owned no slaves, one owned more than one hundred (227), fourteen owned between twenty and forty-nine bondsmen, eleven owned between one and nineteen slaves. Delegates opposing the plan held an average of 30.9 slaves. Census records exist for forty-six of the delegates opposing the Speight plan. Of them, five owned no slaves, one owned more than one hundred (108), sixteen owned between ten and nineteen, and nine held between twenty and fifty-nine bondsmen.⁷² (See Table 2, 109)

The delegates' votes on these three issues followed a certain pattern. Those voting for the Committee of the Whole report, which recommended disfranchising free blacks, were likely to vote for the Speight plan that sought to keep House membership below 120. They also were likely to oppose granting free blacks limited suffrage, as the Gaston amendment

would have if the delegates had passed it. The larger the slave population their county held and the closer to the eastern Virginia border it was located, the more prone delegates were to vote for the Committee of the Whole report and Speight plan and against the Gaston amendment. Of the sixty-six delegates voting for the Committee of the Whole report, thirty-four also voted for the Speight plan. Among the thirty-four, thirteen were Whigs, ten were Democrats, and eleven were Independents. Each of the thirty-four represented counties east of Raleigh, counties with slave populations ranging from 24.1 percent in Carteret County to 56.2 percent in Chowan County. (See Table 6, 113)

Twenty-four delegates voted for the Committee of the Whole report and Speight plan and also against the Gaston amendment. They included eight Whigs, seven Independents, and four Democrats. Delegates from Bertie, Pasquotank, Gates, Edgecombe, Jones, Greene, Northampton, Washington, and Perquimans Counties voted unanimously that way. Six delegates from Hyde, Martin, and Hertford Counties split their votes on the Committee of the Whole report; the half that supported that also favored the Speight proposal. Five of those counties' six delegates voted against the Gaston amendment.⁷³ (See Maps 6. a. and 6. b., 119, 120)

Excluding the delegates from Hertford, Camden, and Halifax Counties, delegates from every county east of Raleigh that bordered Virginia voted for the Committee report. Slave populations in those counties ranged from 28.5 percent in Currituck County to 61.6 percent in Warren County, home of Nathaniel Macon. (Delegates from two of the six western counties along the Virginia border supported the Committee of the Whole report for disfranchisement.) If one recalls, it was within the northeastern border

counties that reaction to the 1831 Nat Turner revolt was most violent. No doubt the delegates' votes reflected the racial ideas of their constituents.⁷⁴ (See Map 4, 117, and Table 6, 113)

On the other hand, a total of forty-six delegates voted against both the Committee of the Whole report and against the Speight apportionment plan. Nineteen were Whigs, thirteen were Democrats, and twelve were Independents. Thirty-seven of the delegates voting against the Committee of the Whole's disfranchisement report and against the Speight plan voted for the Gaston limited black suffrage amendment. Seventeen of this group were Whigs, twelve were Democrats, and seven were Independents. Thirty-five of them represented counties west of Raleigh. Two from eastern Wake County voted with the west. A total of forty-seven delegates voted against disfranchisement, that is, against the Committee of the Whole report, but for the Gaston amendment that called for extending limited suffrage to free blacks. Of them, twenty-three were Whigs, thirteen were Democrats, and eleven were Independents. Just nine delegates opposing the Committee of the Whole report and favoring the Gaston amendment supported the Speight plan to reduce House membership below 120.⁷⁵

The presence of borough towns within counties certainly affected the votes of delegates from Orange, New Hanover, Rowan, Cumberland, Craven, Halifax, and Chowan Counties. The commercial interests of the borough town inhabitants historically had linked them with westerners in calling for internal improvements. Only the delegates from Chowan County, home of the borough town of Edenton, unanimously voted for the Committee of the Whole report. Of the seven counties with borough towns, Chowan had the largest slave population; 56.2 percent of its residents were slaves. Halifax

County, home of the borough of Halifax, also is located near the Virginia border and had a similarly high slave population of 55.1 percent. The Halifax delegates seemed to honor their ties to the west as part of a compromise they hoped would leave the borough franchise intact. More likely, Daniel and Branch shared the northeastern counties' negrophobia. Branch feared a free black backlash over the Committee of the Whole report, and Daniel preferred limiting rather than ending free blacks' suffrage.⁷⁶

County size affected the votes too. The average population of the counties in which delegates agreed unanimously to oppose the Committee of the Whole report and Speight plan but to support the Gaston amendment was 13,639.2. That of counties in which both delegates at least opposed the Committee of the Whole and Speight plan, was 13,427.233. These counties were almost twice the size of those represented by delegates voting for the Committee of the Whole and Speight plans (7,330.06) and against the Gaston amendment or simply for the first two (7,200.7). (The pattern matches that of the popular vote to ratify the 1835 constitution. Larger counties supported the new constitution; residents of smaller counties voted against it.) Nor did slaves account for large portions of these western counties' inhabitants. For example, approximately 6.3 percent of the residents in Haywood County, in the southwest, and 7 percent of Ashe County, in the northwestern corner, were bondsmen.⁷⁷ (See Maps 2 and 3, 115, 116; Table 4, 111)

To summarize, traditional sectional loyalties united them more effectively than did political affiliations.⁷⁸ Because demographic counts affected apportionment of the House, delegates from small counties, many located in the east, allied to preserve the hegemony they unfairly enjoyed in

the General Assembly before the call to convention. Delegates from growing western counties wanted their just share of representation in the legislature. With that, many hoped to foster state-financed internal improvements projects. Easterners were more likely to vote for the Committee of the Whole report, against the Gaston amendment and for the Speight apportionment plan. Western delegates tended to reverse their votes on all three questions. Slavery and negrophobia served almost as important a role in determining the votes. A majority of the delegates on each side of the questions held slaves. Those who voted for the Committee of the Whole report and Speight plan and against the Gaston amendment held slightly more slaves than did delegates who did not vote similarly on these proposals. Delegates from northeastern counties near the Virginia border, counties in which reaction to the 1831 Nat Turner revolt was most violent, supported the Committee of the Whole report and Speight apportionment plan and opposed the Gaston suffrage proposal almost without exception. However, delegates representing eastern counties with borough towns often split their votes on the questions; these men sided with westerners as a compromise they hoped would allow the boroughs to keep their special representatives in the House in return for western control of that body.

These finding suggest that for delegates representing counties east of Raleigh, disfranchising free blacks was a prerequisite for maintaining a government responsive to their political and economic interests. Westerners did not make such a connection between black and white voting rights. The placement of the proposal to disfranchise free blacks on the convention agenda appears to have been almost an afterthought. Many North Carolinians believed Free Black Codes sufficiently strong to prevent another revolt such

as Nat Turner's from arising. Since slavery influenced both taxation and population counts, it affected the methods by which legislative districts were divided and the number of commoners to which counties were entitled. Hence, it increasingly became important for state and national politicians to define the social, political, and economic place the peculiar institution occupied. Free blacks' status was intertwined with that of bondsmen; their position in society was muddled. The desire of many whites to clarify policies relating to slavery necessitated sharpening the definition of free black rights. This supports the conclusion of this thesis that defining free black rights was indirectly tied to the rise of a two-party political system in North Carolina. The delegates' actions carry a symbolic significance not readily apparent in 1835. Pragmatic issues rather than political principles swayed the delegates. Indeed, within the larger, historical context supplied by the background material in the first two chapters of this thesis, the collective biographies of five delegates, and records of the convention debates presented in the concluding chapter, the delegates' actions reflected local rather than national interests. As J.G. de Roulhac Hamilton has noted, their deeds may be called Jacksonian only because they occurred during the Jacksonian era. However, they were not actions of the Jacksonian persuasion.⁷⁹

Notes for Chapter III

¹Hugh T. Lefler, *History of North Carolina* (New York, 1973), 338-342.

²Herbert Dale Pegg, *The Whig Party in North Carolina* (Chapel Hill, N.C., 1969), 21. Borough representation had been established in the Charter of 1663 to placate commercial interests in England. Borough towns were given one representative in the House of Commons. Counties with borough towns enjoyed greater representation, then, in the legislature. Harold J. Counihan, "The North Carolina Constitutional Convention of 1835: A Study in Jacksonian Democracy," *North Carolina Historical Review*, XLVI (1969), 347-348. Hereafter cited as *NCHR*.

³Max R. Williams, "The Foundations of the Whig Party in North Carolina: A Synthesis and a Modest Proposal," *NCHR*, XLVII (1970), 129.

⁴Lefler, *North Carolina*, 344. The roll of 130 delegates who assembled in Raleigh on June 4, 1835, at the opening of the convention reveals that 76 were from eastern counties, 54 from the west; 63 considered themselves Whigs, 38 were Democrats, and the remaining 29 were Independents. Campaign literature and reports of party meetings in state newspapers from 1835-36 provided, Counihan said, his chief sources for determining the delegates' party affiliations. Counihan, "Convention," n.14, 340.

⁵Lefler, *North Carolina*, 346-347.

⁶Counihan, "Convention," 361; *Proceedings and Debates of the Convention of North Carolina, Called to Amend the Constitution of the State, which Assembled at Raleigh, June 4, 1835* (Raleigh, 1836), 351-358.

⁷Boyd Dale Cathey, "Race, Representation, and Religion: The North Carolina Constitutional Convention of 1835" (M.A. thesis, Univ. of Virginia, 1971), 68-78. I categorized the delegates' professions according to those Cathey listed in his appendix and then added up the number of delegates falling into each group.

⁸National Archives, *Fifth Census of the United States, 1830* (Washington, D.C., 1914).

⁹Harry L. Watson, *Jacksonian Politics and Community Conflict: The Emergence of the Second*

¹⁰*Proceedings and Debates*, 80-81, 162, 357-358.

¹¹*Ibid.*; Cathey, "Race," 73; William E. Dodd, *Life of Nathaniel Macon* (Raleigh, 1908), 3-4, 11-12, 22, 24, 29, 32, 34, 42-45, 56-57, 79-80, 87-88.

- ¹²*Ibid.*, 144, 150, 160, 198, 202, 214-215, 269.
- ¹³*Ibid.*, 270-271, 280, 285, 289, 291, 299, 305, 316, 331, 338-339, 347-348.
- ¹⁴*Ibid.*, 370, 376-377, 384-389. As Dodd notes, Macon threatened to flog slaves who skipped the service.
- ¹⁵*The Debates and Proceedings in the Congress of the United States*, 8th Congress, 1st Session, Oct. 17, 1803-Mar. 3, 1805 (Washington, D.C., 1832), 998.
- ¹⁶*Ibid.*, 16th Congress, 1st Session, Dec. 6, 1819-Mar. 3, 1821 (Washington, D.C., 1832), 222.
- ¹⁷*Ibid.*, 226-228, 80-81.
- ¹⁸Nathaniel Macon to Bartlett Yancey, Mar. 8, 1818, in Edwin Mood Wilson and Kemp P. Battle, "The Congressional Career of Nathaniel Macon," *James Sprunt Historical Monographs*, II (1900), 48. Hereafter cited as *Sprunt*.
- ¹⁹*Ibid.*, "Apr. 9, 1820," 53.
- ²⁰*Ibid.*, "Jan. 29, 1826," 79.
- ²¹"Richard Dobbs Spaight, Jr.," in Samuel A. Ashe, ed., *A Biographical History of North Carolina from Colonial Times to the Present*, s.v. (Greensboro, N.C., 1905-1917), 403-405. Hereafter cited as *BHNC*.
- ²²"The Great Anti-Abolition Meeting in Cincinnati," petition, Jan. 22, 1836, Governors' Papers, LXXII, North Carolina State Archives, Raleigh, N.C., 40. Hereafter cited as GP.
- ²³E.B. Dearborn to George L. LeRow, Feb. 1, 1836, GP, LXXII, 78; Mary Harding to Hardy Pierce, Feb. 7, 1836, GP, LXXII, 79; Testimony of Hardy Pierce to Samuel E. Sewell, Feb. 10, 1836, GP, LXXII, 74; Testimonies of Eleanor Bowen and Maria Jacobs to Sewell, Feb. 10, 1836, GP, LXXII, 75-76.
- ²⁴Testimony of "Lasarus B[owk]er (?)" to Sewell, Feb. 17, 1836, GP, LXXII, 80; Capt. John Pike to Gov. Richard Dobbs Spaight, Jr., Apr. 30, 1836, Governors' Letterbooks, XXXI, 101-104. Hereafter cited as GLB.
- ²⁵Gov. Edward Everett to Gov. Spaight, Feb. 22, 1836, GP, LXXII, 82-83.
- ²⁶Gov. Spaight to Gov. Everett, May 24, 1836, GLB, XXXI, 101.
- ²⁷*Proceedings and Debates*, 80-81, 162, 357-358; Cathey, "Race," 69; "John Branch," *BHNC*, s.v., 52.
- ²⁸John Branch, "Address to the North Carolina General Assembly," Nov. 22, 1820, GLB, n.n., 341.
- ²⁹*Ibid.*, Nov. 17, 1819, GLB, n.n., 240.

³⁰"John Branch," in William S. Powell, ed., *Dictionary of North Carolina Biography*, s.v. (Chapel Hill, N.C., 1979), 210. Hereafter cited as *DNCB*.

³¹William S. Hoffmann, "John Branch and the Origins of the Whig Party in North Carolina," *NCHR*, XXXV (1958), 301-303.

³²*DNCB*, 210.

³³*Proceedings and Debates*, 80-81; Cathey, "Race," 74; R.D.W. Connor, "Ante-Bellum Builders of North Carolina," *Studies in North Carolina History*, III (Spartanburg, S.C., 1971), 100-112.

³⁴Gov. John M. Morehead, "Denial of Pardon," Dec. 1843, GLB, XXXIV, 161-162.

³⁵*Ibid.*, Nov. 11, 1842, GLB, XXXIV, 467-468.

³⁶Gov. Morehead to Jeremiah Pearsall, Apr. 28, 1842, GLB, XXXIV, 361-362; Pearsall to Gov. Morehead, Apr. 6, 1842, GP, C, n.p.; Joseph T. Rhodes to Gov. Morehead, Apr. 6, 1842, GP, C, n.p.; Petitions from the Citizens of Duplin and Onslow Counties, Apr. 1842, GP, C, n.p.

³⁷"William Gaston," *BHNC*, s.v., 99-101; *Proceedings and Debates*, 80-81, 162, 357-358; Cathey, "Race," 71.

³⁸Joseph Herman Schauinger, "William Gaston: Southern Statesman," *NCHR*, XVIII (1941), 104-119.

³⁹Joseph Herman Schauinger, "William Gaston and the Supreme Court in North Carolina," *NCHR*, XXI (1944), 97, 107-108.

⁴⁰William Gaston to Charles E. Mercer, Jan. 12, 1828, William Gaston Papers, North Carolina State Archives, Raleigh, N.C.

⁴¹Schauinger, "Gaston and the Supreme Court," 108-110.

⁴²*Ibid.*, 111-112.

⁴³*Speech of the Honorable Judge Gaston ...* (Baltimore, 1836), 50.

⁴⁴*Proceedings and Debates*, 83-84, 76, 88.

⁴⁵*Ibid.*, 84-86.

⁴⁶*Ibid.*, 86-87.

⁴⁷*Ibid.*, 92.

⁴⁸*Ibid.*, 94-95.

⁴⁹*Ibid.*, 99.

⁵⁰*Ibid.*, 102-104.

⁵¹*Ibid.*, 113-114.

⁵²*Ibid.*, 80-81, 115-117, 162, 357-358; Cathey, "Race," 70; *Debates on the Convention Question in the House of Commons* (Raleigh, 1822), 13, 21; "Charles Fisher," *DNCB*, s.v., 201; Jethro Rumble, *A History of Rowan County, North Carolina* (Baltimore, 1974), 185.

⁵³*Proceedings and Debates*, 117-118.

⁵⁴*Ibid.*, 138.

⁵⁵*Ibid.*, 128, 132-133.

⁵⁶*Ibid.*, 133-135.

⁵⁷*Ibid.*, 139.

⁵⁸*Ibid.*

⁵⁹*Ibid.*, 139, 142.

⁶⁰*Ibid.*, 142-143.

⁶¹Counihan, "Convention," 346.

⁶²*Proceedings and Debates*, 60-61.

⁶³*Ibid.*, 70-71.

⁶⁴*Ibid.*, 80.

⁶⁵*Ibid.*, 73-74.

⁶⁶*Ibid.*, 69.

⁶⁷*Ibid.*, 77.

⁶⁸*Ibid.*, 71-72.

⁶⁹*Ibid.*, 75, 79.

⁷⁰*Ibid.*, 352, 357-358. The convention minutes listed the names of only 64 of the 66 delegates voting for the Committee of the Whole's report. They listed 54 of the 55 delegates voting for the Gaston amendment; I was not able to determine the political affiliation of another delegate the minutes listed as favoring it. The minutes recorded the results of the vote on the Fisher amendment but did not provide a roll call of the delegates' votes.

⁷¹*Proceedings and Debates*, 162; Cathey, 68-78.

⁷²*Fifth Census*.

⁷³*Ibid.*; *Abstract of the Fifth Census of the United States, 1830*, compiled at the Department of State (Washington, D.C., 1832), 19-20, 40-41; *Proceedings and Debates*, 80-81, 162, 357-358.

⁷⁴*Abstract*, 19-20, 40-41; *Proceedings and Debates*, 80-81, 162, 357-358.

⁷⁵Cathey, "Race," 68-78; *Proceedings and Debates*, 80-81, 162, 357-358.

⁷⁶*Abstract*, 19-20, 40-41; *Proceedings and Debates*, 80-81, 162, 357-358.

⁷⁷*Abstract*, 19-20; *Proceedings and Debates*, 80-81, 162, 357-358.

⁷⁸John Hope Franklin, "IV. The Vote to Disfranchise Free Negroes in the Convention of 1835," in *The Free Negro in North Carolina, 1790-1860* (New York, 1971), 113; Harold Counihan, "North Carolina 1815-1836: State and Local Perspectives on the Age of Jackson," (Ph.D. diss., Univ. of North Carolina, Chapel Hill, 1971), 145.

⁷⁹J.G. de Roulhac Hamilton, "Party Politics in North Carolina, 1835-1860," *Sprunt*, XV (1916), 13.

TABLE 1

NUMBER OF DELEGATES OWNING SLAVES, NORTH
CAROLINA CONSTITUTIONAL CONVENTION OF 1835

(N=78)

<u>SLAVES</u>	<u>WHIGS</u>	<u>DEMOCRATS</u>	<u>INDEPENDENTS</u>	<u>TOTAL</u>
NONE	1	2	1	4
1-9	4	4	3	11
10-19	10	12	3	25
20-49	12	6	6	24
50-99	5	4	3	12
<u>100-</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>2</u>
TOTAL	33	28	17	78

SOURCES: *Fifth Census of the United States, 1830* (Washington, D.C., 1914); Boyd Dale Cathey, "Race, Representation, and Religion: The North Carolina Constitutional Convention of 1835" (M.A. thesis, Univ. of Virginia, 1971), 68-78.

TABLE 2
FREQUENCY OF SLAVEHOLDING AMONG DELEGATES
VOTING ON SPEIGHT APPORTIONMENT MOTION

(N=78)*

<u>SLAVES</u>	<u>FOR</u>	<u>AGAINST</u>
NONE	2	5
1-9	3	6
10-19	8	16
20-49	14	9
50-99	3	9
<u>100-</u>	<u>1</u>	<u>1</u>
TOTAL	31	46

SOURCES: *Fifth Census of the United States, 1830* (Washington, D.C., 1914); *Proceedings and Debates of the Convention...* (Raleigh, 1836), 162.

*Convention minutes do not list the vote of one delegate for whom census records exist.

TABLE 3
FREQUENCY OF SLAVEHOLDING AMONG DELEGATES
VOTING ON COMMITTEE OF WHOLE REPORT

(N=78)*

<u>SLAVES</u>	<u>FOR</u>	<u>AGAINST</u>
NONE	3	3
1-9	4	6
10-19	13	11
20-49	11	11
50-99	3	8
<u>100 —</u>	<u>2</u>	<u>=</u>
TOTAL	36	39

SOURCES: *Fifth Census of the United States, 1830* (Washington, D.C., 1914); *Proceedings and Debates of the Convention...* (Raleigh, 1830), 80-81.

*Convention minutes do not list the votes of three delegates for whom census records exist.

TABLE 4
POPULAR VOTE ON RATIFICATION OF 1835 CONSTITUTION

<u>COUNTY</u>	<u>FOR</u>	<u>AGAINST</u>	<u>COUNTY</u>	<u>FOR</u>	<u>AGAINST</u>
Anson	815	4	Northampton	12	286
Ashe	466	88	Onslow	97	357
Brunswick	—	466	Orange	1,031	246
Buncombe	1,322	22	Person	180	287
Burke	1,359	1	Pasquotank	7	442
Beaufort	90	639	Pitt	32	710
Bladen	6	564	Perquimans	10	431
Bertie	96	315	Rowan	1,570	24
Craven	131	270	Randolph	426	163
Carteret	32	332	Rockingham	612	68
Currituck	22	115	Robeson	86	458
Camden	61	333	Richmond	263	43
Caswell	466	162	Rutherford	1,557	2
Chowan	7	322	Sampson	148	463
Chatham	556	200	Surry	1,751	4
Cumberland	331	439	Stokes	1,061	71
Columbus	3	391	Tyrrell	1	459
Cabarrus	598	46	Washington	14	409
Duplin	56	532	Wilkes	1,757	8
Davidson	1,034	33	Wake	243	1,124
Edgecombe	29	1,324	Warren	46	580
Franklin	85	617	Wayne	28	966
Guilford	971	237	<u>Yancey</u>	<u>564</u>	<u>13</u>
Gates	12	502	TOTAL:	26,768	21,466
Granville	433	308			
Greene	9	423			
Halifax	239	441			
Hertford	7	376			
Hyde	2	431			
Haywood	481	8			
Iredell	1,194	18			
Jones	22	239			
Johnston	73	776			
Lincoln	1,887	42			
Lenoir	54	320			
Moore	110	370			
Macon	502	19			
Montgomery	538	103			
Mecklenburg	1,097	67			
Martin	14	795			
New Hanover	54	365			
Nash	8	757			

SOURCE: *Proceedings and Debates of the Convention...* (Raleigh, 1836), 425.

TABLE 5
DELEGATES' VOTES ON THREE ISSUES BY PARTY

	Whigs <u>For/Against</u>	Democrats <u>For/Against</u>	Independents <u>For/Against</u>
COMM. OF WHOLE REPORT	30/29	20/16	16/16
SPEIGHT PLAN	23/38	12/23	16/13
GASTON AMENDMENT	26/30	16/18	11/16

SOURCES: *Proceedings and Debates of the Convention...* (Raleigh, 1836), 80-81, 162, 357-358; Boyd Dale Cathey, "Race, Representation, and Religion: The North Carolina Constitutional Convention of 1835" (M.A. thesis, Univ. of Virginia, 1971), 68-78.

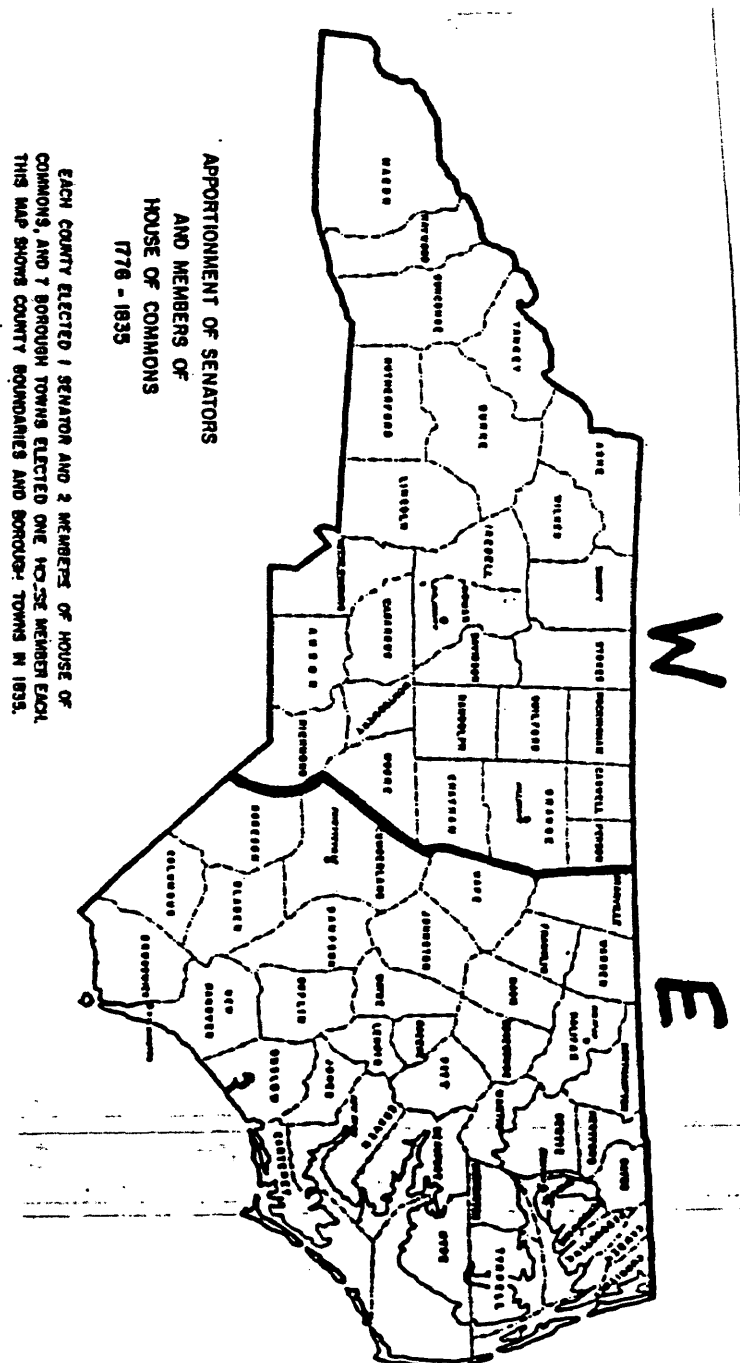
TABLE 6
DELEGATES' VOTES ON THREE ISSUES
BY SLAVE POPULATIONS OF COUNTIES REPRESENTED

	Percentage of a County's Population in Slaves						
	<u>50%</u>	<u>40%</u>	<u>30%</u>	<u>20%</u>	<u>10%</u>	<u>< 10%</u>	
	Delegates Voting For or Against a Proposal*						
	<u>F/A</u>	<u>F/A</u>	<u>F/A</u>	<u>F/A</u>	<u>F/A</u>	<u>F/A</u>	<u>TOTAL</u>
COM. WHOLE REPT. 11/3		16/6	21/17	9/12	2/14	1/5	117
SPEIGHT PLAN	10/5	12/12	19/20	9/13	0/15	0/6	121
GASTON AMEND.	4/12	6/16	14/20	13/7	12/5	4/2	115

SOURCE: *Proceedings and Debates of the Convention...* (Raleigh, 1836), 80-81, 162, 357-358.

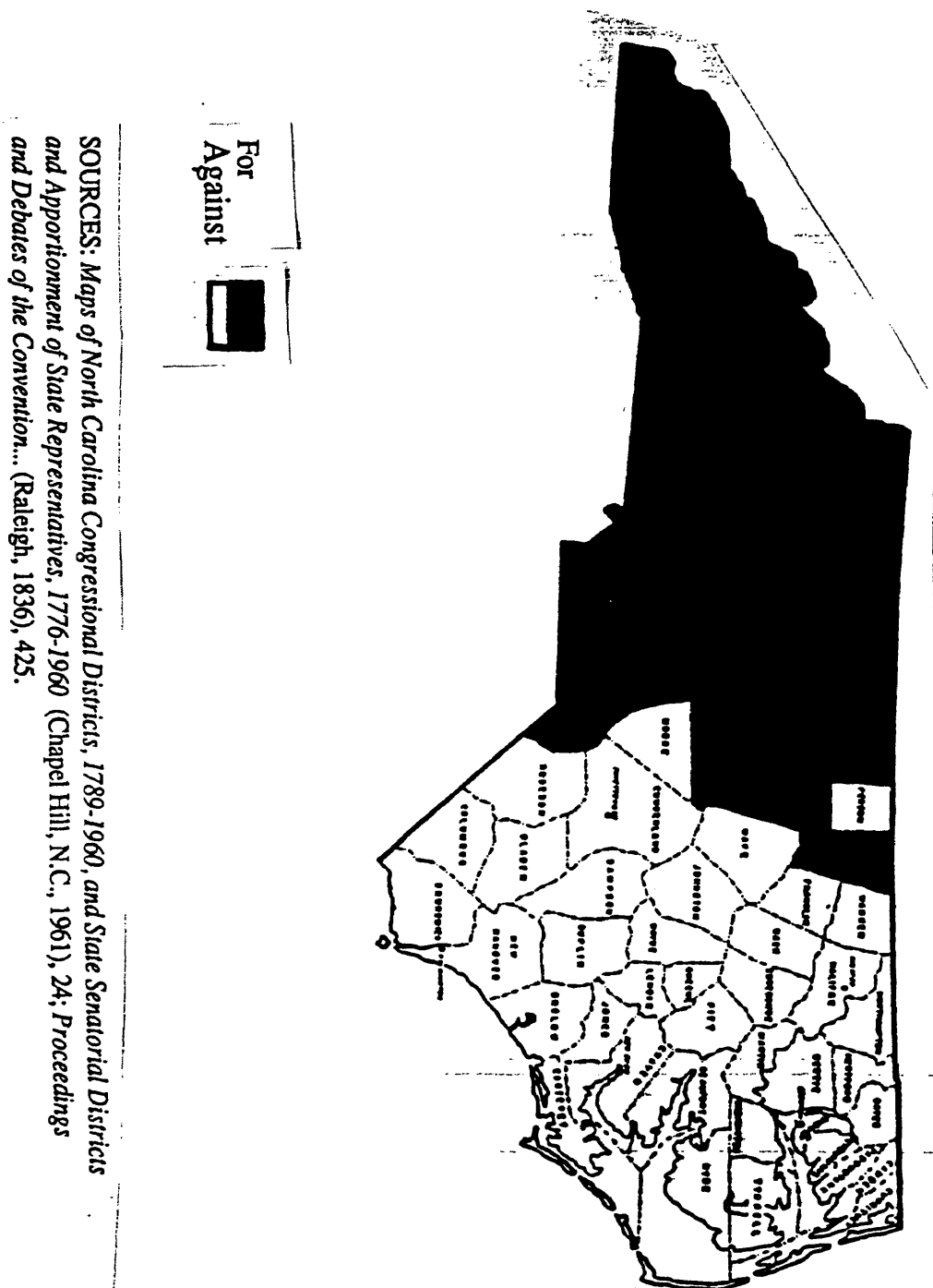
*The votes of some delegates are unavailable in the *Proceedings*.

Map 1: Eastern and Western Sectional Division; Apportionment of Senators and Members of House of Commons, 1776-1835

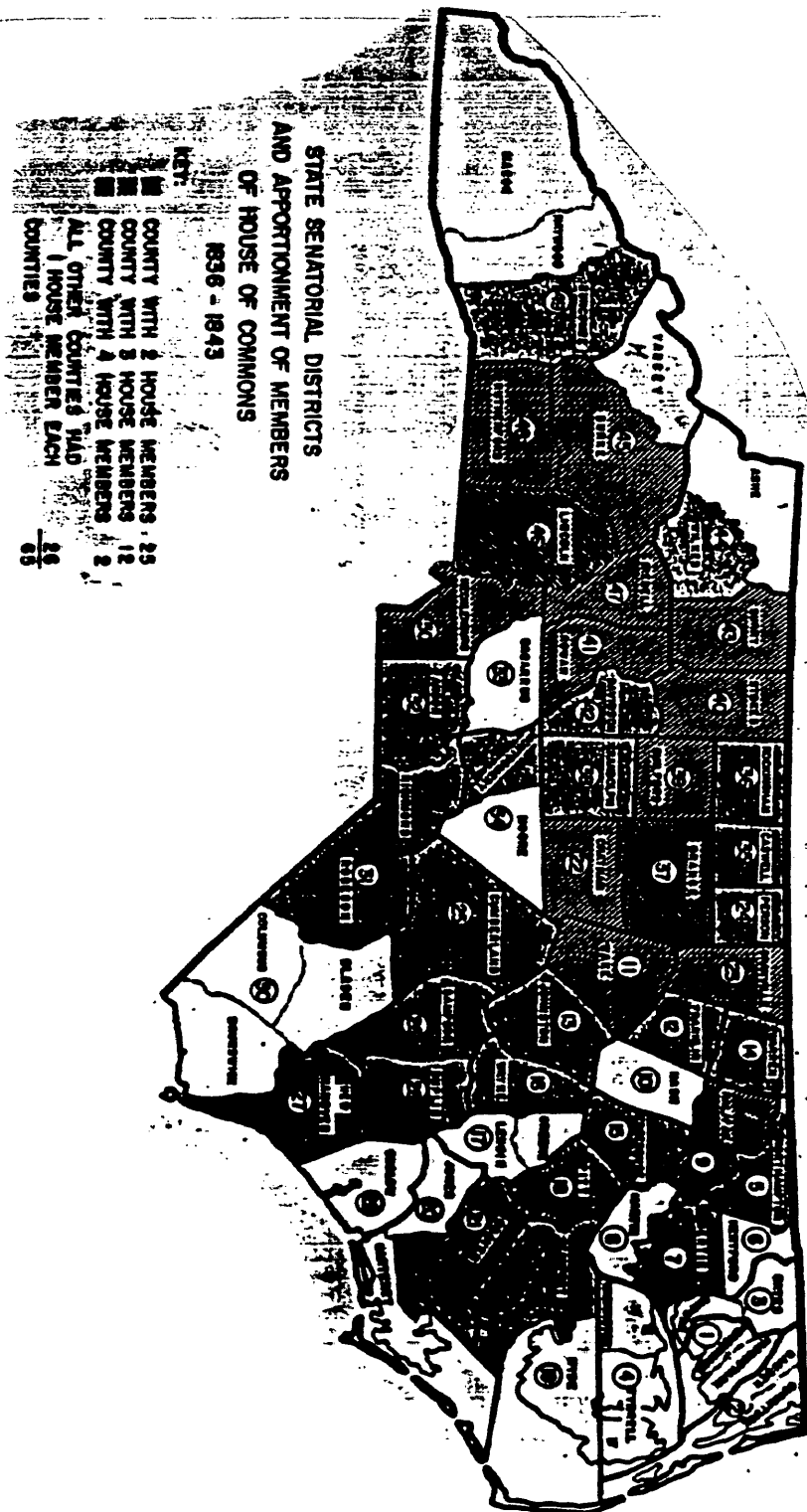


SOURCE: *Maps of North Carolina Congressional Districts, 1789-1960, and State Senatorial Districts and Apportionment of State Representatives, 1776-1960* (Chapel Hill, N.C., 1961), 24.

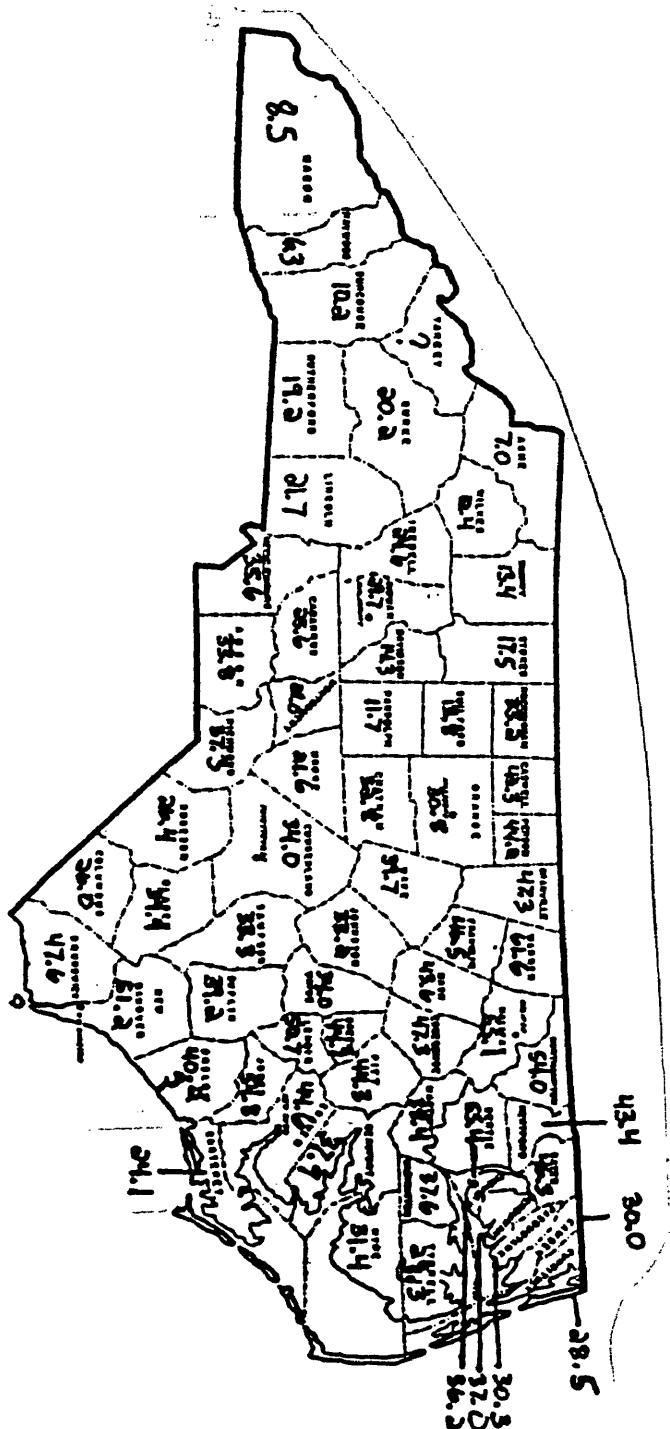
Map 2: Popular Vote on Ratification of the 1835 Constitution



Map 3: State Senatorial Districts and Apportionment of Members of House of Commons, 1836-1843



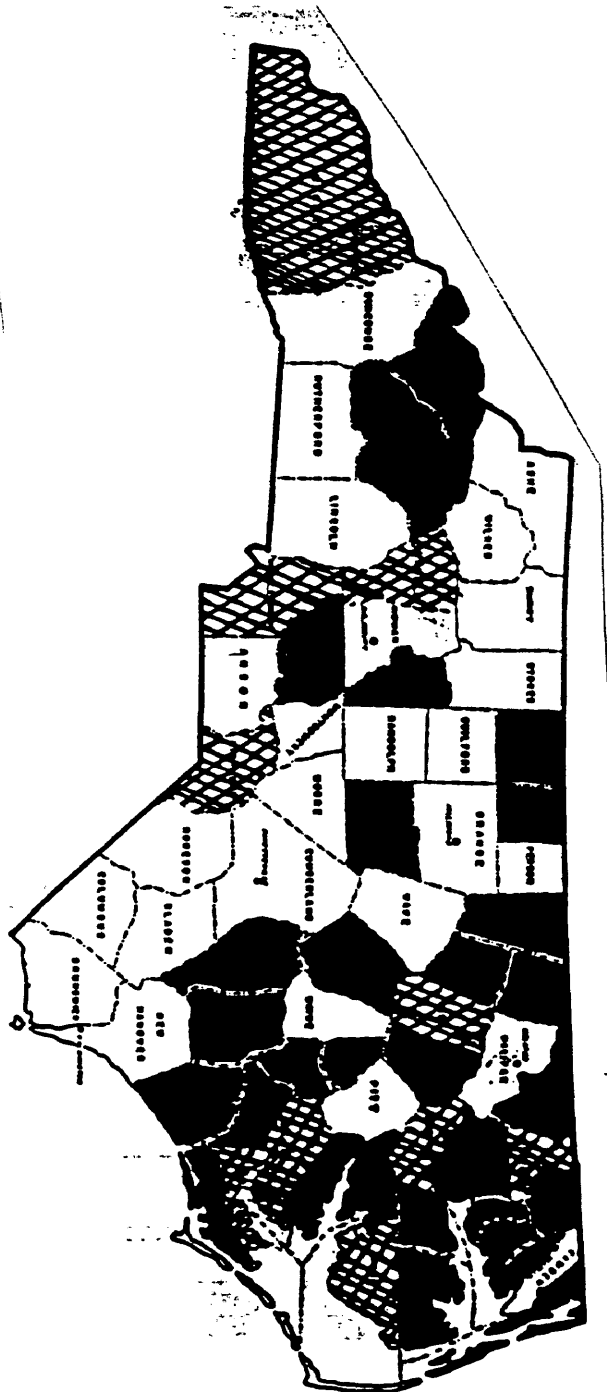
SOURCE: *Maps of North Carolina Congressional Districts, 1789-1960, and State Senatorial Districts and Apportionment of State Representatives, 1776-1960* (Chapel Hill, N.C., 1961), 25.



SOURCES: *Maps of North Carolina Congressional Districts, 1789-1960, and State Senatorial Districts and Apportionment of State Representatives, 1776-1960* (Chapel Hill, N.C., 1961), 24; *Abstract of the Fifth Census of the United States, 1830* (Washington, D.C., 1832), 19-20.

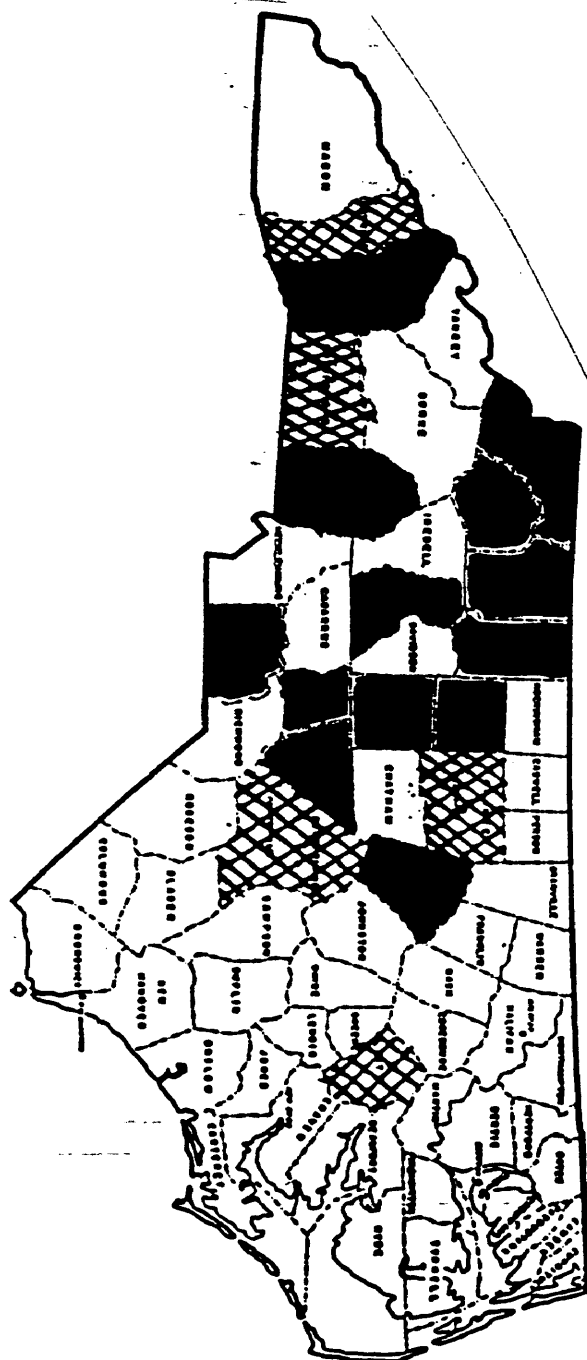
Map 5: Convention Vote on the Committee of the Whole Report

For
Against
Divided



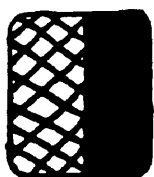
SOURCES: *Maps of North Carolina Congressional Districts, 1789-1960, and State Senatorial Districts and Apportionment of State Representatives, 1776-1960* (Chapel Hill, N.C., 1961), 24; *Proceedings and Debates of the Convention...* (Raleigh, 1836), 80-81, 162, 357-358; John Hope Franklin, *The Free Negro In North Carolina, 1790-1860* (New York, 1971), 113.

Map 6. a.: Comparison of Delegates' Votes on Committee of Whole Report, Gaston Amendment, Speight Apportionment Plan



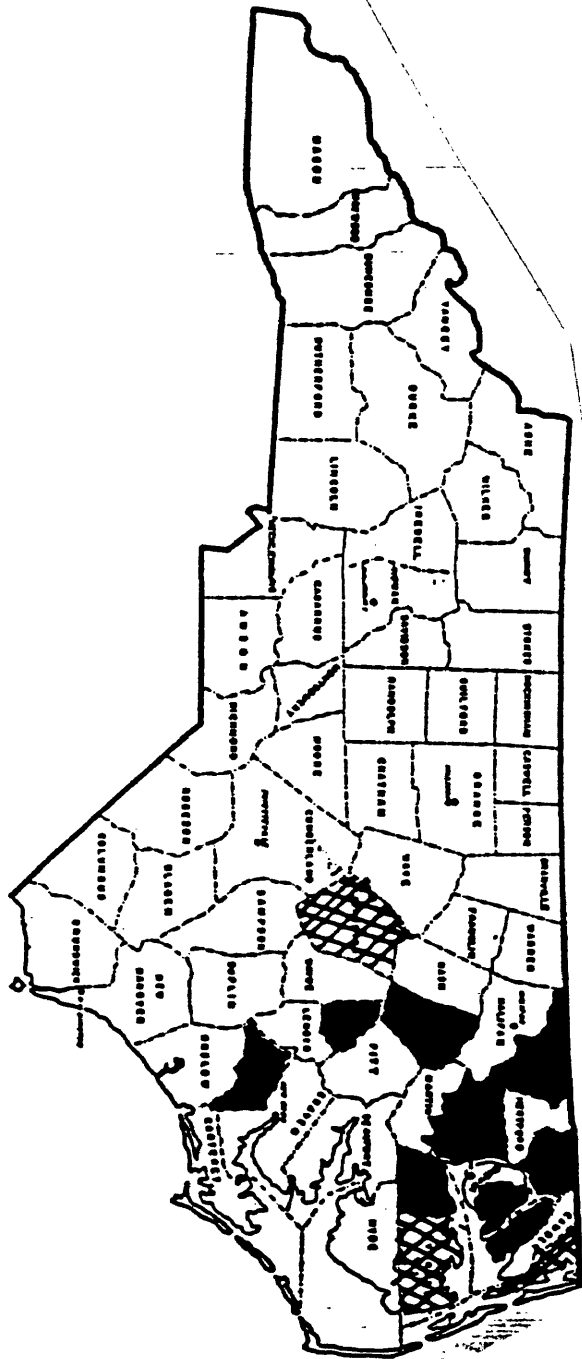
Both of County's Delegates Voting Against Committee Report and Speight Plan but For Gaston Amendment

Both of County's Delegates Voting Against Committee Report and Speight Plan (but Vote on Gaston Amendment Unknown and/or Against)



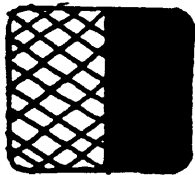
SOURCES: *Maps of North Carolina Congressional Districts, 1789-1960, and State Senatorial Districts and Apportionment of State Representatives, 1776-1960* (Chapel Hill, N.C., 1961), 24; *Proceedings and Debates of the Convention...* (Raleigh, 1836), 80-81, 162, 357-358.

Map 6. b.: Comparison of Delegates' Votes on Committee of Whole Report,
Gaston Amendment, Speight Apportionment Plan



Both of County's Delegates Voting For Committee Report, Speight Plan but
Against Gaston Amendment

Both of County's Delegates Voting For Committee Report, Speight Plan (but
Vote on Gaston Amendment Unknown and/or For)



SOURCES: *Maps of North Carolina Congressional Districts, 1789-1960, and State Senatorial Districts and Apportionment of State Representatives, 1776-1960* (Chapel Hill, N.C., 1961), 24; *Proceedings and Debates of the Convention...* (Raleigh, 1836), 80-81, 162, 357-358.

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